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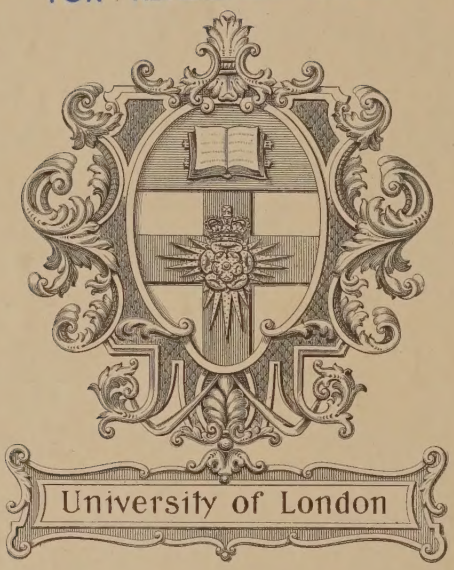

REPORTS

FROM

COMMISSIONERS:

TEN VOLUMES.

—(5.)—

OXFORD UNIVERSITY.

Session

3 *February* —— 1 *July* 1852.

VOL. XXII.

1852.

REPORTS

FROM

COMMISSIONERS:

WITH

MINUTES OF EVIDENCE.

VOL. XXII.

REPORTS FROM COMMISSIONERS:

1852.

TEN VOLUMES:—CONTENTS OF THE

FIFTH VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

OXFORD UNIVERSITY:

[1482.] REPORT of the COMMISSIONERS appointed to inquire into the STATE, DISCIPLINE, STUDIES and REVENUES of the UNIVERSITY and COLLEGES of *Oxford*, together with the EVIDENCE, and an APPENDIX - - - - - - - - - - - p. 1

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OXFORD UNIVERSITY COMMISSION.

REPORT

OF

HER MAJESTY'S COMMISSIONERS

APPOINTED TO INQUIRE INTO

THE STATE, DISCIPLINE, STUDIES, AND REVENUES

OF THE

UNIVERSITY AND COLLEGES OF OXFORD:

TOGETHER WITH

THE EVIDENCE, AND AN APPENDIX.

Presented to both Houses of Parliament by Command of Her Majesty,

LONDON:
PRINTED BY W. CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.
1852.

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COMMISSION.

VICTORIA R.

L. S.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith: To The Right Reverend Father in God, SAMUEL Bishop of Norwich; Our Trusty and Wellbeloved ARCHIBALD CAMPBELL TAIT, Doctor of Civil Law, Dean of Carlisle; FRANCIS JEUNE, Clerk, Doctor of Civil Law, Master of Pembroke College in Our University of Oxford; HENRY GEORGE LIDDELL, Clerk, Master of Arts, Head Master of St. Peter's College, Westminster; JOHN LUCIUS DAMPIER, Esq., Master of Arts, Vice-Warden of the Stannaries of Cornwall; BADEN POWELL, Clerk, Master of Arts, Savilian Professor of Geometry in Our University of Oxford; and GEORGE HENRY SACHEVERELL JOHNSON, Clerk, Master of Arts, of Queen's College in Our University of Oxford, Greeting:

WHEREAS, WE have deemed it expedient, for divers good causes and considerations, that a Commission should forthwith issue for the purpose of enquiring into the State, Discipline, Studies, and Revenues of Our University of Oxford, and of all and singular the Colleges in Our said University:

NOW, KNOW YE, that We, reposing great trust and confidence in your knowledge, ability, and discretion, have authorized and appointed, and do by these Presents authorize and appoint you, the said SAMUEL Bishop of Norwich, ARCHIBALD CAMPBELL TAIT, FRANCIS JEUNE, HENRY GEORGE LIDDELL, JOHN LUCIUS DAMPIER, BADEN POWELL, and GEORGE HENRY SACHEVERELL JOHNSON, to be Our Commissioners for enquiring into the State, Discipline, Studies, and Revenues of Our University of Oxford, and of all and singular the Colleges in Our said University.

And for the better enabling you to carry these Our Royal Intentions into effect, We do by these Presents authorize and empower you, or any four or more of you, to call before you, or any four or more of you, such persons as you may judge necessary, by whom you may be the better informed on the matters herein submitted for your consideration; also to call for, and examine all such Books, Documents, Papers, and Records, as you shall judge likely to afford you the fullest information on the subject of this Our Commission, and to enquire of and concerning the Premises by all other lawful ways and means whatsoever.

And it is Our further Will and Pleasure, that you, or any four or more of you, do report to Us in Writing, under your Hands and Seals, within the space of two years from the date of these Presents, or sooner, if the same can reasonably be, your several proceedings by virtue of this Our Commission, together with your opinions touching the several matters hereby referred for your consideration.

And We will and command, and by these Presents ordain, that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any four or more of you, may, from time to time, proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by Adjournment.

And for your assistance in the due execution of these Presents, We have made choice of Our Trusty and Wellbeloved Arthur Penrhyn Stanley, Clerk, Master of Arts, to be Secretary to this Our Commission, and to attend you, whose services and assistance We require you to avail yourselves of from time to time as occasion may require.

Given at Our Court of St. James's, the thirty-first day of August, 1850, in the fourteenth year of Our Reign,

By Her Majesty's Command,

G. GREY.

OXFORD UNIVERSITY COMMISSION.

MINUTES.

The Meetings were all held at the Official Residence of the First Lord of the Treasury, in Downing-street.

The first Meeting was held on Saturday 19th October, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Commission was read.

Resolved,

That circular letters, enclosing a copy of Her Majesty's Commission, be prepared and addressed to the Chancellor, the Vice-Chancellor, and Visitors; to the Heads and Professors of Colleges and Halls, and other eminent persons belonging to the University of Oxford.

That application be made to the Treasury for an issue of money for defraying the current expenses of the Commission, and

That the Secretary be requested to procure the services of a Clerk.

Mr. Goldwin Smith was appointed Assistant-Secretary to the Commission.

(Adjourned till Friday next, the 25th inst.)

S. Norwich, *Chairman.*

At a Meeting held Friday 25th October, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.

The Evidence of N. W. Senior, Esq., Professor of Political Economy in the University of Oxford, having been taken at Oxford by four Members of the Commission, in consequence of his having occasion to leave England for a lengthened period, was laid before the Board.

A letter requesting certain returns from the Vice-Chancellor was prepared.

Mr. John Hastings Jephson was appointed Clerk to the Commission, on the recommendation of Sir Charles Trevelyan.

(Adjourned till Tuesday next, the 29th inst.)

S. Norwich.

At a Meeting held Tuesday 29th October, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.

Replies to Circular letters were read.

Questions to the University and College authorities were prepared.

(Adjourned till to-morrow, the 30th inst.)

S. Norwich.

At a Meeting held Wednesday 30th October, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson.

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
Questions to the University and College authorities were considered.
The Cambridge University Commissioners held a conference with the Board.
(Adjourned till to-morrow, the 31st inst.)

S. Norwich.

At a Meeting held Thursday 31st October, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
The Questions to the University and College authorities were further considered.
(Adjourned till to-morrow, at 12 o'clock.)

S. Norwich.

At a Meeting held Friday 1st November, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
Questions to the University and College authorities were further considered.
(Adjourned till to-morrow at 12 o'clock.)

S. Norwich.

At a Meeting held Saturday 2nd November, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Questions to the University and College authorities were further considered.
Replies to Circular letters were read.
(Adjourned till Wednesday the 13th inst., at 12 o'clock.)

S. Norwich.

At a Meeting held Wednesday 13th November, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson,
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
The Questions to the authorities of the University and Colleges were further considered.
(Adjourned till to-morrow at 12 o'clock.)

S. Norwich.

At a Meeting held Thursday 14th November, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Questions to the University and College authorities were further considered.
(Adjourned till to-morrow, at 12 o'clock.)

S. Norwich.

At a Meeting held Friday 15th November, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The Questions were further considered.
(Adjourned till to-morrow, at 12 o'clock.)

S. Norwich.

At a Meeting held Saturday 16th November, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
A Letter from the Vice-Chancellor of the University of Oxford was read.
The Questions were further considered.
(Adjourned till Monday 18th instant, at 12 o'clock.)

S. Norwich.

At a Meeting held Monday 18th November, 1850.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell.

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
The Questions for Colleges further considered.
The Questions for Public Examiners and Questions relative to the Vice-Chancellor's Court were prepared.
(Adjourned till Monday 2nd December, 1850.)

S. Norwich.

At a Meeting held Monday 2nd December, 1850.

Present:

The Bishop of Norwich,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
Questions for Public Examiners were further considered.

Resolved,
That the Statutes of the Oxford Colleges be printed.
(Adjourned till Thursday 2nd January, 1851.)

S. Norwich.

At a Meeting held Thursday 2nd January, 1851.

Present:

The Bishop of Norwich,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson,
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
Questions for Public Examiners were further considered.
(Adjourned till Monday 3rd February next.)

S. Norwich.

At a Meeting held Monday 3rd February, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson,
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular letters were read.
Questions for Public Examiners were finally agreed upon.
(Adjourned till Monday 24th instant.)

S. Norwich.

At a Meeting held Monday 24th February, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular Letters were read.
The question of the Constitution of the University was considered.
(Adjourned till to-morrow, at 12 o'clock.)

S. Norwich.

At a Meeting held Tuesday 25th February, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Replies to Circular Letters were read.
The question of University Extension was considered.
(Adjourned till the 11th March next.)

S. Norwich.

At a Meeting held Tuesday 11th March, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of the Endowment and increase of Professorships was considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Wednesday 12th March, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of restriction on Fellowships was considered.
(Adjourned.)

S. Norwich.

At a Special Meeting held Tuesday 18th March, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary*).

The Minutes of the last Meeting were read and confirmed.
A communication having been received from the Vice-Chancellor of the University of Oxford, comprising a Case submitted by the University authorities to Counsel and the Opinion of Counsel thereon, together with a letter from the Vice-Chancellor—

It was *Resolved*,

To lay the Case and Opinion before Lord John Russell, and to represent to him that so long as the act of the Crown in issuing the Commission is subject to the imputation which the Opinion throws on it of being not legal, the Commissioners anticipate serious obstruction to their inquiry.

That they, therefore, submit to Lord John Russell the question whether it will be advisable or not for him to take some steps which may satisfy those who entertain doubts of the legality of the Commission, and are therefore deterred from giving evidence.

(Adjourned till Tuesday, 25th instant.)

S. Norwich.

At a Meeting held Tuesday 25th March, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of the College Fellowships was considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Wednesday 26th March, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of College Fellowships was considered.
(Adjourned till Tuesday 8th April next.)

S. Norwich.

At a Meeting held Tuesday 8th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of College Fellowships was considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Wednesday 9th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of College Fellowships was considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Thursday 10th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of College Fellowships was considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 11th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of the general expenses of the University was considered.
(Adjourned till Friday the 25th inst.)

S. Norwich.

At a Meeting held Friday 25th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The question of University Discipline was considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 26th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Previous resolutions were further considered.
(Adjourned till Monday the 28th inst.)

S. Norwich.

At a Meeting held Monday 28th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Previous resolutions were further considered.
(Adjourned till to-morrow).

S. Norwich.

At a Meeting held Tuesday 29th April, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Previous resolutions were further considered.
(Adjourned till Friday 2nd May, 1851.)

S. Norwich.

At a Meeting held Friday 2nd May, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
Previous resolutions were further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 3rd May, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The draft of a Report was considered.
(Adjourned till Tuesday 3rd June, 1851).

S. Norwich.

At a Meeting held Tuesday 3rd June, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Minutes of the last Meeting were read and confirmed.
The draft of a Report was considered.
(Adjourned till Wednesday the 25th inst.)

S. Norwich.

At a Meeting held Wednesday 25th June, 1851.

Present:

The Bishop of Norwich,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Friday and Saturday 4th & 5th July next.)

S. Norwich.

At a Meeting held Friday 4th July, 1851.

Present:

The Dean of Carlisle,
The Master of Pembroke,
The Rev. H.G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*

The draft of a Report was further considered.
(Adjourned till to-morrow.)

A. C. Tait.

At a Meeting held Saturday 5th July, 1851.

Present:

The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Wednesday the 9th inst.)

A. C. Tait.

At a Meeting held Wednesday 9th July, 1851.

Present:

The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Thursday the 17th inst.)

A. C. Tait.

At a Meeting held Thursday 17th July, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 18th July, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Thursday 24th inst.)

S. Norwich.

At a Meeting held Thursday 24th July, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 25th July, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Friday 1st August, 1851.)

S. Norwich.

At a Meeting held Friday 1st August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 2nd August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Wednesday 6th inst.)

S. Norwich.

At a Meeting held Wednesday 6th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Thursday 7th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 8th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 9th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Tuesday 12th inst.)

S. Norwich.

At a Meeting held Tuesday 12th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Wednesday 13th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Thursday 14th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 15th August, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Wednesday 1st October, 1851.)

S. Norwich.

At a Meeting held Wednesday 1st October, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Thursday 2nd October, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 3rd October, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*

The draft of a Report was further considered.
(Adjourned till Monday the 6th inst.)

S. Norwich.

At a Meeting held Monday 6th October, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Tuesday 7th October, 851.

Present:

The Bishop of Norwich,
The Dean of Carlisle.
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Friday next, the 10th inst.)

S. Norwich.

At a Meeting held Friday 10th October, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Tuesday 11th November, 1851.)

S. Norwich.

At a Meeting held Tuesday 11th November, 1851.

Present:

The Bishop of Norwich,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Wednesday 12th November, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Thursday 13th November, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 14th November, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 15th November, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Monday 15th December, 1851.)

S. Norwich.

At a Meeting held Monday 15th December, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Wednesday 17th inst.)

S. Norwich.

At a Meeting held Wednesday 17th December, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Friday 19th inst.)

S. Norwich.

At a Meeting held Friday 19th December, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Thursday 29th inst.)

S. Norwich.

At a Meeting held Thursday 29th December, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 30th December, 1851.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Friday 13th February, 1852.)

S. Norwich.

At a Meeting held Friday 13th February, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 14th February, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The draft of a Report was further considered.
(Adjourned till Monday 1st March.)

S. Norwich.

At a Meeting held Monday 1st March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Tuesday 2nd March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.
(Adjourned till Thursday 4th inst.)

S. Norwich.

At a Meeting held Thursday 4th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.
(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 5th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 6th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till Monday 8th inst.)

S. Norwich.

At a Meeting held Monday 8th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Tuesday 9th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till Monday 22nd inst.)

S. Norwich.

At a Meeting held Monday 22nd March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till Wednesday 24th inst.)

S. Norwich.

At a Meeting held Wednesday 24th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Thursday 25th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 26th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Saturday 27th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till Monday 29th inst.)

S. Norwich.

At a Meeting held Monday 29th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

Norwich.

At a Meeting held Tuesday 30th March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Wednesday 31st March, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The. Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Thursday 1st April, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report was read and considered.

(Adjourned till Thursday 22nd inst.)

S. Norwich.

At a meeting held Thursday 22nd April, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report on the University was finally read and confirmed.

Mr. Edward A. Bond, Assistant in the Manuscript Department in the British Museum, was appointed for the purpose of completing the revision of the Statutes for publication.

(Adjourned till to-morrow.)

S. Norwich.

At a Meeting held Friday 23rd April, 1852.

Present:

The Bishop of Norwich,
The Dean of Carlisle,
The Master of Pembroke,
The Rev. H. G. Liddell,
J. L. Dampier, Esq.,
The Rev. Professor Powell,
The Rev. G. H. S. Johnson.
The Rev. A. P. Stanley, (*Secretary.*)

The Report on the Colleges was finally read and confirmed.

S. Norwich

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REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Your Majesty having been pleased to appoint us Commissioners to inquire into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, we humbly beg to submit to Your Majesty the result of our inquiries and deliberations, in the following Report.

It appeared to us that our first duty was to transmit a copy of our Commission to the Chancellor of the University, the Vice-Chancellor, the Visitors of the Colleges, the Heads of Colleges and Halls, the Professors and other Officers of the University, and to invite them to assist us in the execution of Your Majesty's commands. Our communications, with the replies which we received, we have annexed to our Report. Appendix B.

Our next duty was to collect information and opinions on the several subjects specified in Your Majesty's Commission. After much consideration we determined to carry on our inquiries by means of printed questions rather than by the examination of witnesses orally. Accordingly we issued in succession six papers, addressed to the several Authorities of the University and of the Colleges, and one of a more comprehensive character, which we transmitted to a large number of eminent members of the University. We have caused the answers to be printed at length, and they are submitted, as a body of Evidence, to Your Majesty.

On three of the points to which our attention was directed by Your Majesty's Commission—the State, Discipline, and Studies of the University and of the Colleges—we have received evidence from the great majority of the Professors, and from many persons of note resident in Oxford, or closely connected with it, though not resident; and we feel convinced that the zeal and ability which these gentlemen have displayed, the knowledge which they have communicated, and the helps to the formation of a right judgment which their arguments supply, will be duly appreciated.

The Governing Body has withheld from us the information which we sought from the University through the Vice-Chancellor as its chief resident officer; and this, as has been since intimated to us, with the purpose of disputing the legality of Your Majesty's Commission. We have had, however, the means of learning the opinions of the Heads of Houses, as a body, on several of the subjects which we have considered, and, to some extent, the reasons which determined their conclusions. These are given in a document issued in 1850, which was signed on behalf of the Board by the Vice-Chancellor, and transmitted to Lord John Russell by the Duke of Wellington as Chancellor of the University. We have also availed ourselves of the Report of a Committee of the Board, issued in 1846, on the extension of University Education and the expenses of Students. Appendix A. Appendix E.

The Colleges of Merton, Lincoln, All Souls, Corpus, St. John's, and Pembroke, have, as Societies, supplied us with information. The Dean and Bursar of Balliol College have officially answered our inquiries. From the Heads of Magdalen Hall, St. Alban Hall, and St. Edmund Hall, we have received a similar compliance. Individual Tutors of several other Colleges have furnished us with information more or less complete. From the majority of the Colleges, as Societies, we have received no assistance.

With respect, then, to the State, Discipline, and Studies, we have been favoured with copious materials for our Report. But on the subject of the Revenues of the University, and of many of the Colleges, we have little authentic information to communicate. To state the amount and nature of these

Revenues with precision, we required the zealous assistance of the University and College authorities. In most instances such assistance has been withheld. For the sake of the University itself, we regret that a different course was not pursued. Frank disclosures would, we believe, have dispelled many imputations. But none of our recommendations will be found to depend upon a knowledge of the precise amount of the Revenues of the University or the Colleges.

In the inquiries addressed to the Colleges, we expressed a wish to be furnished with the Statutes of each Society. It appeared to us desirable that these documents should be published, not only because of their historical value, but also because of their direct bearing on the present inquiry. Some of the Codes we have obtained from the Colleges; for others we are indebted to the courtesy of the officers of the British Museum, the Bodleian Library at Oxford, the Lambeth Library, and the Record Office. In this part of our undertaking we have also derived great assistance from Mr. Heywood, who has liberally furnished the Commission, not only with copies of the translations of the various Statutes published by him, but with several manuscripts which he had caused to be transcribed at his own cost. To the collection thus made, six Codes of Statutes are still wanting. But the most important of the series have come into our hands; and, for practical purposes, these will be found sufficient. The character of these Foundations is in the main so similar, that recommendations for the improvement of one will (with a few modifications) be applicable to all; and we feel that our conclusions will be safe, although in some cases a full investigation has not been possible.

The Statutes of the University have been published by the University itself. We have thought it right, however, for the elucidation of some parts of the academical system, to print the earlier Statutes, some of which are perhaps still legally in force, though all have been practically superseded by the Laudian Code.

We are bound to acknowledge the services which have been rendered to the Commission by Mr. Goldwin Smith, Fellow and Tutor of University College, in the office of Assistant Secretary, to which he was appointed at our first meeting.

As regards our own proceedings, we have done all in our power to show respect for the University, and to obtain impartial information. In the same spirit which animated the First Minister of the Crown when he laid before the Board of Heads of Houses the names of the persons whom he proposed to recommend to Your Majesty as Commissioners, we expressed to the Chancellor "our desire to be guided in the course of our inquiry by the convenience "of the University, and the suggestions of its authorities;" and our communications with the Vice-Chancellor and other eminent persons were couched in similar terms.

In order that all persons interested might be enabled to make known their opinions, we drew up and printed a paper, pointing out, in the most abstract form, the various subjects connected with the improvement of the University which had been under discussion of late years in Oxford and in the world without. Thus all parties had the same subjects suggested to them, with full time for consideration. We sent copies of this paper to the authorities of the University and of the Colleges, and to other persons who, by their station and character, seemed entitled to give opinions,—to those whom we knew to be friendly, to those whom we knew to be unfriendly, and to those whose opinions were unknown to us. All the documents which we have issued, were transmitted without any request that they should be kept private, and have received the widest publicity through the daily press. Every person has had a fair and full opportunity of making what statements or suggestions he thought fit, of defending what he wished to defend, and of explaining what he thought needed explanation. We hoped, from the nature of the topics to which we invited attention, that persons of all opinions might, without compromising any principle, render us material assistance. We hoped, too, that some able men who carried their scruples so far as to decline all communication with us, or whose names we might have overlooked, would make known their sentiments through the press. In these expectations we have not been wholly disappointed.

We fully appreciate the present excellences of the University, and entertain a grateful sense of the benefits, moral and religious, as well as intellectual,

which it has so long conferred on the country. And, whatever opposition our inquiry may have encountered, it is satisfactory for us to observe that the objects of Your Majesty's Commission have been rightly understood by a large body of Members of the University who have zealously coöperated with us. Many eminent persons, yielding to none in love and gratitude towards the University, have aided us, because they perceive that what is proposed is not to destroy, in order to clear the ground for a new system, but to reform in a right spirit, by improving, restoring, and enlarging; and because they hope that the results of this inquiry will be to relieve the University from shackles which obstruct its progress, to root it more deeply in the affections of the nation, and to raise it to a still higher position than that which it now occupies in the opinion of the world at large.

Our inquiry will, of necessity, extend over a great variety of subjects, difficult in themselves, and complicated still further by their connexion with each other. Each subject must be viewed in relation to the rest; and, whatever division be made, some repetition will be unavoidable. We have thought it best to follow the course marked out in Your Majesty's Commission, and to treat first of the State of the University, understanding thereby its constitution and numbers; secondly, of its Discipline; thirdly, of its Studies; lastly, of its Revenues; and then to proceed to speak of the several Colleges and Halls.

After having thus gone through the whole subject, we propose, in conclusion, to sum up briefly the various recommendations which we have found occasion to suggest.

Before we proceed, however, we must guard ourselves by observing, that in the course of an intricate inquiry which involves a research into the documents, habits, and feelings of remote times, it is hardly possible but that errors should occur. Such errors we could scarcely have hoped to avoid even with the fullest assistance from all the official authorities of the University. But we are confident that defects of this kind will not be found such as materially to affect the recommendations which we may have to lay before Your Majesty.

I. THE STATE OF THE UNIVERSITY.

THE UNIVERSITY OF OXFORD, AS REGARDS ITS PRIVILEGES.

The University of Oxford is a corporate body, known by the title of "The Chancellor, Masters, and Scholars of the University of Oxford." Its privileges have been granted or renewed in many Royal Charters. All previous grants were confirmed by the Act of 13 Eliz., cap. 29, entitled "An Act for "the Incorporation of the Two Universities;" and the Legislature has since conferred additional benefits on the University of Oxford. Its privileges were confirmed by Letters Patent of King Charles I. in 1635; and in 1636 the same Sovereign issued other Letters Patent of still greater importance, to which we shall presently advert. It possesses the power of conferring Degrees, which are necessary to the attainment of many offices of honour and emolument. It is one of the principal avenues to the Ministry of the Established Church. It takes a part in the legislation of the country through its Representatives in Parliament. It has received Licenses of Mortmain to purchase land, and has been empowered by Act of Parliament to receive land by bequest to any amount, without the formalities which in other cases are required. It presents to a large proportion of those Benefices which are in the patronage of persons professing the Roman Catholic religion. Six of its Professorships and the Headships of three of its Colleges have been endowed with cathedral preferment, and all the Heads are included in the small number of clergymen who can now hold a cure of souls without the necessity of residence. It receives some annual grants from Parliament, and its Press has a large interest in a valuable monopoly.

THE UNIVERSITY A NATIONAL INSTITUTION.

Such an Institution cannot be regarded as a mere aggregation of private interests; it is eminently national. It would seem, therefore, to be matter of public policy that inquiry should be made, from time to time, in order to ascertain whether the purposes of its existence are fulfilled; and that such measures should be taken as may serve to raise its efficiency to the highest point, and to diffuse its benefits most widely.

Whether there be power in any hands ordinarily to superintend this great Institution, and to reform it, when reform becomes necessary, and what is the

THE VISITOR OF THE UNIVERSITY.

extent of that power, if it exist, has often been a subject of dispute. Such a power has, however, been generally supposed to reside in the Sovereign, as Visitor. It has often been exercised by the Crown, and has often been recognised by the University. In 1647, the Delegates of the University urged, as a reason for resisting the Parliamentary Visitors, that they "humbly conceived "that they could not acknowledge any Visitor but the King, or such as are "immediately sent by His Majesty, it being one of His Majesty's undoubted "rights, and one of the chief privileges of the University, that His Majesty and "without him none other is to visit the University." Prynne, on the other hand, employed his learning in an endeavour to show that the King was not the Visitor of the University. Within our own memory the right of visitation was asserted to belong to the Crown, in an opinion given by Sir John (now Lord) Campbell and Dr. Lushington in 1836; and this right was admitted in express terms before the Privy Council by Sir Charles Wetherell, when acting as Counsel for the University in 1834. It has never been formally denied by the University, unless such a denial is implied in the petition to Your Majesty adopted in Convocation on the 21st of May, 1851.

Wood's Annals, anno 1647, vol. iii., p. 524.

Prynne, "The University of Oxford's Plea refuted." London, 1647.

Appendix D, p. 54.

"Substance of the Speech of Sir Charles Wetherell," 1834, p. 61.

Appendix B, p. 34.

We refrain from an examination of this question either in a legal or antiquarian point of view. Even if the fullest authority ever claimed by the Sovereign were demonstrated to be constitutional, the long interruption of its use might render it difficult to discover the proper mode of exercising it. Whenever interposition may become necessary, recourse will probably be had to the Legislature for sufficient and indisputable powers.

See Appendix C. pp. 39—41.

THE STATUTES OF THE UNIVERSITY.

The University of Oxford, like every other corporate body, possesses the right of making Bye-laws for its own government. This right it has exercised from the middle of the thirteenth century without impediment, unless the name of impediment can be given to the protest of the Bishop of Lincoln in 1314. But it has at various times been compelled to enact or to receive laws by superior authority. It was under the Tudor and Stuart sovereigns that this mode of intervention on the part of the ruling powers became most frequent.

Wood's Annals, anno 1314, vol. i. p. 384.

An attempt to frame a Code of Statutes was made by Cardinal Wolsey, but was frustrated probably by his fall. The Commissioners of King Edward VI. drew up an entirely new body of Statutes for both Universities, "in order that "each eye of the nation might be set in motion by similar muscles." This Code was brief and comprehensive; and, though it seems never to have been formally accepted by the University, and soon fell into disuse, it remained nominally in force till the enactment of the present Statutes. Cardinal Pole sent down Ordinances which, however, were only intended to be provisional; and they fell to the ground on the accession of Queen Elizabeth. During her reign, and that of King James I., the University received many new laws from the several Chancellors of that period, often under the authority of the Crown.

Preface to the Statutes of the University.

Wood's Annals, anno 1549, vol. ii., p. 100.

Ibid., anno 1556, p. 132,

King Charles I. acted on the University with more effect. In the first instance he required the University to confirm several important Statutes which emanated from himself. In the Chancellorship of Archbishop Laud the Statutes were at last digested into one uniform Code, which still governs the University under the title of "Corpus Statutorum Universitatis Oxoniensis." This Code was in part compiled, in part composed by special Delegates appointed for the purpose in 1629 by the Convocation of the University, at the command of the King. After having been tried for one year, it was sent down to Oxford under the seal of Laud, as Metropolitan and Chancellor of the University, together with Letters-Patent under the Great Seal of England, and was formally accepted by the University on the 21st of June, 1636.

Statut., Univ. Tit. xi., sec. 2, § 4, Tit. xiii. Append., Statut., p. 56.

Preface to the Statutes of the University.

Wood's Annals, anno 1633, 1636, vol. ii., p. 385-403.

QUESTION AS TO THE POWER OF THE UNIVERSITY TO ALTER THE LAUDIAN STATUTES.

It can hardly be doubted that these Statutes were intended by all the parties to their enactment to be unalterable except with the concurrence of the Royal authority.

The Letters-Patent of King Charles I., in the usual language of Royal Charters, "give and grant for himself, his heirs, and successors, to the Chan- "cellor, Masters, and Scholars of the University for ever," that these Statutes "shall acquire and retain all force and effect in the University." The confirmation of Archbishop Laud prefixed to the Code "confirms, approves, and "ratifies for ever" this volume of University Statutes. It is declared in the Statutes themselves that "the power of explanation is not extended to Statutes "sanctioned or confirmed by Royal authority, without the consent of the King "himself;" and that "no dispensation, total or partial, shall be proposed con-

Letters Patent of King Charles I., and Letter of Laud, prefixed to the Corpus Statutorum.

Statutes, Tit. x., sec. 2, § 2, 5.

"cerning any Statute or Decree framed or to be framed at the command or "suggestion of the Royal authority, unless a change or relaxation has been "expressly enjoined by the like Royal authority." That these prohibitions extend to the whole body of Laudian Statutes seems clear, from the fact that in the Prefatory letters of the Chancellor, and in the Letters-Patent of the King, the whole Code is expressly said to have been undertaken "at the "command" of the King, and is solemnly "accepted, approved, ratified, and "confirmed" by him. If the University cannot interpret or dispense with Statutes so confirmed, much less can it abrogate them.

Such, also, appears to have been the view of the University at the time that the Code was accepted. Secretary Coke, in his oration on that occasion grounded the validity of the Statutes on the general "axiom and fundamental "rule of government" that "all our laws are the King's laws, and none can "be enacted, changed, or abrogated, without him." The University, in its letter to the King and to the Chancellor, spoke of them as "eternal laws," as laws which were to endure "in annum Platonicum." The Convocation of the University was not called upon, as in former cases, to confirm this Code, but solemnly accepted it; and the Vice-Chancellor "embraced" it in the name of the University.

Laud's Chancellorship, edited by Wharton, p. 88.

Documents in Appendix D., pp. 45, 49.

Wood's Annals, anno 1636, vol. ii., p. 405.

The practice of the University for more than a century after the acceptance of the Laudian Code suggests the same conclusion. Only eight Statutes were enacted between 1636 and 1759. These for the most part added to the Code of the University, but abrogated no portion of it. Two of them might seem to contain abrogations of enactments in the Code; but it is found on inquiry that of these two, one merely carries out an express provision made in the Code; and with respect to the other, which more nearly resembles an abrogation, it has been maintained that this alters what is only a custom recognised by the Code.

The view which represents the Code as unalterable except by Royal authority, is also confirmed by the analogous cases of the Codes imposed on the University of Cambridge by Queen Elizabeth and Archbishop Whitgift in 1562, and on the University of Dublin by Archbishop Laud in 1637, one year only after the acceptance of the Laudian Code. The Code of each of these Universities is regarded as unalterable. It must, however, be stated, that in both cases abrogation is expressly forbidden by the Statutes themselves.

In 1759 the question of the power of the University to abrogate any of the Laudian Statutes without the consent of the Crown was formally raised. The Heads of Houses had attempted, in a time of great political excitement, to introduce a new Statute affecting the franchise. A case was submitted by them to Messrs. Morton and Wilbraham, whose opinion, together with the case, is given in the Appendix. These lawyers say: "It was not in the power of the "University to delegate their right of making perfect Bye-laws and Statutes "to any subject, or even to the King; and as it was not in the power of the "University itself to enact any Statutes which should remain unalterable or "unrepealable, so it could not delegate a power to any subject, or to the "Crown, to make laws that should not be repealable without the consent of "such subject or his heirs, or such King and his successors." Mr. Justice Blackstone, in an opinion which we have not been able to procure, but which is reported as having been quoted by the Duke of Wellington in the House of Lords, agreed "that with respect to any prohibition contained in former "Statutes, it was certain that no Corporation had the power to make Bye-laws "or Statutes abridging the legislative powers of their successors, who had the "same right to enact as their predecessors had; any more than an Act of "Parliament could effectually make an Act to abridge any future Act. There-"fore any academical Act or Bye-law which seemed to assume such power "was either void in itself or voidable, and subject to be repealed by any subse-"quent Act." But the opinions given in 1759 did not set the question at rest. The Proctors of that year maintained that the question really at issue had neither been proposed by the Heads nor answered by Counsel. That question was not, they said, whether the University could make Bye-laws, which no one doubted; nor whether the University could delegate to the King or to a subject its power of making Statutes, which should not be repealable without the consent of the successors of the one or the heirs of the other; but whether the King's Letters Patent, reciting the several titles of Statutes, and not only solemnly

Appendix D., p. 46.

Hansard's Debates, Dec. 21, 1837,

Appendix D., p. 47.

confirming them, but granting to the Chancellor, Masters, and Scholars that they should be for ever in force, was not virtually a Charter which could not be destroyed by the University after having been accepted and acted on for many years.

The question was again raised in 1836, when it was proposed to deprive Dr. Hampden of certain rights conferred by the Laudian Code upon the Regius Professor of Divinity. A case was accordingly laid before Sir John (now Lord) Campbell, Dr. Lushington, and Mr. Hull. Their answer was, that "the Laudian Code was binding on the University, as a Charter accepted by it."

Appendix D., p. 52.

PRACTICE OF THE UNIVERSITY AS TO THE ALTERATION OF STATUTES.

The practice of the University, since the year 1759, does not agree with the opinion of Messrs. Morton and Wilbraham, and that attributed to Mr. Justice Blackstone, as above quoted, nor on the other hand with that of Lord Campbell. Some of the Statutes, to which we shall refer presently, are still regarded by the University as unalterable; but from the middle of the last century, the University has taken upon itself not only to make new enactments, but to abrogate large portions of the Laudian Code, the Royal license having never been sought. The grounds, on which this practice has been justified, are scarcely consistent with each other.

GROUNDS OF THE PRACTICE OF THE UNIVERSITY.

1. It is said that a clause in the Laudian Code empowers the Chancellor, "with the consent of the University, to sanction statutes and ordinances, and, "when requisite, to abrogate those which have been sanctioned" (*ordinationes et statuta, poscente sic usu, cum consensu Universitatis, sancire vel sancita abrogare*). But it seems certain, from the context, that this clause was intended only to save the power of the Chancellor and University to make Bye-laws; and that the Statutes which they are permitted to abrogate are those only which they have made by their own authority.

Statutes, Tit. xvii., sec. 1, § 2.

2. But the view commonly taken, is that "the Royal Statutes," which the University is forbidden to interpret or to dispense with unless with the Royal consent, are not the whole Code, but such Statutes only as were promulgated by Royal authority before 1636. These Statutes are commonly said to be three; namely, that which constitutes the Hebdomadal Board (Tit. xiii.); that which regulates the election of the Collectors in Lent (Tit. vi., sec. 2, § 4); and the Statutes on the Procuratorial Cycle, contained in the Appendix to the Code.* We can find no ground for the distinction attempted to be drawn between these three Statutes and the rest of the Laudian Code; the whole of which as it now exists, was, as we have seen, "accepted, approved, ratified and "confirmed" by the King in the most solemn terms. Under any interpretation of the prohibition in question, we know no reason for selecting the three Statutes above mentioned, as the only Statutes which emanated from the Crown, previously to the enactment of the Laudian Code. One other is expressly ascribed to King James I. in the Code, and it was asserted in 1759 that there are many more of Royal origin. To ascertain the sources of the several Statutes incorporated in the Code must, at this distance of time, be difficult, if not impossible. At all events the opinions of Morton and Wilbraham, and of Mr. Justice Blackstone, make no such distinction between the different parts of the Code, but consider the whole equally subject to repeal; as Lord Campbell and Dr. Lushington, on the contrary, consider it all equally unalterable except by consent of the Crown. It would seem probable, also, that the Royal Statutes, anterior to the Laudian Code, did not fall within the description of "Statutes confirmed by Royal authority." The Laudian Code was "confirmed" by the Letters Patent of the King. But the "Caroline Statutes" on the Procuratorial Cycle, though "issued" (edita) by Royal authority, were "confirmed" only by the University; nor did they receive the Royal confirmation till it was given to them in common with the whole Code into which they were incorporated.

Tit. x., sec. 2, § 2, 5.

Oxford University Calendar, p. 4.

Statut. Univ., Tit. xv., § 6.

Appendix D, p. 43.

Compare Appendix D, p. 48.

GENERAL RECOMMENDATION WITH REGARD TO THE STATUTES.

It is evident then that the grounds on which the University has assumed the power of altering the Laudian Code are, to say the least, so doubtful, that some step ought to be taken to set the matter at rest. If, as was held by Lord Campbell and Dr. Lushington, the Laudian Code be a Charter, the University should be indemnified for the changes which, with the best intentions, it has made in that Code, and should be set at liberty for the future.

* The expression "Caroline Statutes," though sometimes applied to these three, is in the Code itself applied only to the last; whilst in common parlance it is often (not improperly) used of the whole Code.

The changes which are, in our opinion, necessary in the Statutes, will be stated as we proceed with our Report.

CHANGES IN THE STATUTES NECESSARY.

The necessity of change in the Statutes was urged fourteen years ago, in the House of Lords, by the Duke of Wellington speaking as Chancellor of the University, and admitted by the Heads of Colleges acting under his advice. In the year 1837 his words are thus reported:—

Hansard, Debate on the Universities of Oxford and Cambridge, May 8, 1837.

"I am one of those who have long been of opinion that some amelioration "should be made, and, very shortly after I became Chancellor of the Univer- "sity of Oxford, I had a correspondence with the governing body on that "subject, and recommended them to take into consideration the circumstances "in which they were placed, and to adopt such ameliorations as might be con- "sidered safe and necessary. I believe that they have had that subject under "their consideration from that time till now, and I am authorised to say that "they are on the road towards making those inquiries and those ameliorations "which the noble Lord (the Earl of Radnor) has so strongly urged upon the "House."

In the next year we find more definite statements made by the Duke of Wellington to the same effect:—

"I have had some conversation with the Heads of the University of Oxford, "and was assured that there existed a desire to review those Statutes, and "that the work was actually in progress.

Ibid., July 9, 1838.

"With respect to the Colleges, I have received accounts from several of them, "that they are reviewing their Statutes. Several of the Colleges are in com- "munication with their respective Visitors, and others are in communication "with the Fellows of the College, with whom they must communicate, in order "to make effectual reforms in their Statutes. They are going on as well as "they can at the present moment, and I entreat your Lordships to let them "work out those reforms as they think fit; and if they are not executed in "accordance with your Lordships' wishes, it will then be time for the House "to take such steps as may seem necessary."

The anticipations which the Chancellor thus confidently expressed have been realised to some extent with regard to the University. But as regards the Colleges they have not been realised at all. In fact, whatever be the case with regard to the University, without the aid of the Legislature, it is clear that the Colleges are wholly unable to effect the alterations thus strongly recommended.

Two principles, however, to which we shall appeal in subsequent parts of our Report, were at that time recognised by the University in the legislation which it adopted in accordance with the Duke of Wellington's advice. These principles are, first, the expediency of repealing regulations, which have become incapable of observance at the present day, and, secondly, the propriety of rescinding Oaths to the observance of Statutes, even when those Statutes have been accommodated to modern times. Instead of the Oath formerly taken by Students at Matriculation to observe the University Statutes, an admonition from the Vice-Chancellor was substituted; and all Oaths formerly required at Degrees, with the exception of those of Allegiance and Supremacy, were abolished.

From the Statutes of the University we pass to its Administration.

ADMINISTRATION OF THE UNIVERSITY.

The present Constitution of the University cannot be properly understood without a brief description of the earlier state of things.

ANCIENT CONSTITUTION.

The University, like all the older Universities of Western Europe, appears to have been at the first an association of teachers united only by mutual interest. Every association requires a legislative body, and executive officers; but in all voluntary associations these essential elements exist originally at least in their simplest form. It is said, and it seems probable, that the Legislature of the University in early times consisted of one House only, in which all the Masters or Teachers had a seat, called "the Congregation." Being engaged in the daily business of the Schools, the Masters were always at hand, and could be convened at any moment except in the holidays. The House which still bears the name is even to this day summoned only by the sound of a bell; at the close of each sitting its business is declared by the Vice-Chancellor to be "continued," not prorogued, except at the beginning of each vacation. It also confers all ordinary Degrees, which are even now in form what they were once in fact,—licences to teach. The House of Congregation is the real representative of the primeval Legislature of the literary republic of Oxford.

THE HOUSE OF CONGREGATION.

THE HOUSE OF CONVOCATION.

In the course of time it would seem that an increasing body of persons arose who sought the licence to teach as an honour rather than as a profession; of these, many continued to live in the place, and retained an interest in the University. It is probable that from this cause, and with a view of leaving to the actual Teachers the management of those matters which peculiarly belonged to them, the expedient was adopted of forming a second House with legislative powers, to be composed of all who had attained a certain academical rank, whether they were or were not Teachers. This body, which was called the "great Congregation," met only at intervals, and also bore the name of "Convocation," as requiring a regular summons by bedells. The House of Convocation naturally became the more important of the two, as comprehending both the Members of Congregation and the ever-increasing number of those who were not actual Teachers, and also as determining the questions which were of interest to the whole academical community.

THE CHANCELLOR.

Wood's Fasti, p. 2.
Wood's Annals, anno 1288, vol. i., p. 326.

The chief ruler of the community bore at first the name of Rector Scholarium, and afterwards of Chancellor. The Chancellor was elected by the Masters from the earliest period of which there is any record to our own times; but till the reign of King Edward III. the confirmation of the Bishop of Lincoln, who was at that time the Diocesan, was required to give validity to the election. The University was after many struggles exempted from the jurisdiction of the Diocesan through the intervention of the Archbishop of Canterbury, and that of the Pope. Ecclesiastics continued to fill the office till the reign of King Edward VI., when Sir John Mason, a layman, was chosen under the new Statutes given by the Commissioners of that Monarch. The Chancellor was, in early times, a resident Graduate, and was elected for one, two, or more years. The first perpetual Chancellor was Bishop Russell, in 1484. He was assisted by Commissaries, who seem to have stood in the same relation to him as the Pro-Vice-Chancellors to the Vice-Chancellor in our days. The first non-resident Chancellor was George Neville, Archbishop of York, in 1454.

Ayliffe's History of Oxford, vol. ii., p. 162.
Wood's Annals, anno 1552, vol. ii., p. 113.

THE PROCTORS.

Almost, if not quite on a level with the Chancellor, were the Proctors (Procuratores) of the University. They were two in number, one for each of what were called "the two nations," in reference to the great divisions of England north and south of the Trent. The Proctors were elected by the whole body of Masters of Arts, or according to the Statutes of King Edward VI., by the Regents, that is, by those actually engaged in teaching. But they were sometimes appointed by the Chancellor, sometimes by the King.

Wood's Annals, anno 1538, 1541, 1542, 1578, 1579, 1580, 1628.

THE PRESENT CONSTITUTION.

It has been necessary to state thus much of the earlier condition of the University, in order to show the comparatively recent date of the present Constitution, and the importance of the changes which have taken place in an Institution often supposed to have remained in its original state. Many ancient names indeed remain. But identity of name by no means implies identity of power. The several institutions of the University have been considerably modified in the course of time; and their rights in a great degree transferred to officers and bodies of later origin.

THE HEBDOMADAL BOARD.

The most important change was the institution of the Hebdomadal Board. This Board consists of the Vice-Chancellor, the twenty-three other Heads of Houses, and the two Proctors. The Vice-Chancellor or one of his Deputies must always preside, and the presence of the Proctors or their Deputies is regarded as necessary to constitute a meeting.

THE HEADS OF HOUSES.

The Heads of Houses had, as such, no statutable power in the University before the middle of the sixteenth century. The influence which they had by that time acquired could not but be recognised; and naturally led to the changes which resulted in giving them their present position. The first recorded step in this direction was taken in the year 1569 by Robert Dudley, Earl of Leicester, who, as Chancellor of the University, and apparently with but slight opposition, procured orders to be framed by a Delegacy, and then passed into Statutes, to the effect that, whereas formerly measures had been discussed in an assembly called the "Black Congregation" before they were submitted to Convocation, for the future this deliberation was to take place in a meeting of the Vice-Chancellor, Doctors, Heads of Houses, and Proctors. This change marks an intermediate stage between the ancient Congregation and the present Board. The Doctors, a considerable body of Graduates at all times, and one capable of indefinite extension, thus shared the governing power; but they seem to have lost their seat at the meeting, before the ordinance issued by

Wood's Annals, anno 1569, vol. ii., p. 167.

Wood's Annals, anno 1590, vol. ii., p. 241.

King Charles I., in 1631, in consequence of which this body was formally limited to the Heads of Houses and Proctors, and received the name of the "Hebdomadal Board," or Weekly Meeting. By this Ordinance, which in 1636 was inserted into the Laudian Code, the Board was invested with the rights and entrusted with the duties, which have ever since belonged to it. They are empowered to "deliberate, as occasions may arise, on the defence of the privileges "and franchises of the University, and to advise, inquire, and take counsel for "the observance of statutes and customs. Also if they, or the greater part of "them, think any proposition necessary for the good government, academical "proficiency, repute, or common weal and use of the University, they are em-"powered to discuss it," in order that it may, after such deliberation, be laid before the two assemblies of Masters of Arts, of which we shall speak presently. And in another Statute it is decreed, that this Hebdomadal Board shall draw up all new measures before they are submitted to Convocation.

Statut., Univ., Tit. xiii.

Tit. x. sec. 2, § 2.

These two Statutes give to the Hebdomadal Board the sole initiative power in the legislation of the University, and the chief share in its administration.

The effects of this change, by which the Constitution of the University of Oxford is essentially distinguished, not only from its own ancient form, and from the Constitution of all Scottish and Foreign Universities, but also from that of the sister University of Cambridge, will best be considered, when we have gone through the other branches of the executive and legislative power, which were affected, more or less, by the same revolution.

THE VICE-CHANCELLOR SINCE THE LAUDIAN CODE.

The office of Vice-Chancellor was unknown, by name at least, to the most ancient Constitution. The Commissaries of the Chancellor are mentioned as early as the year 1230. These Commissaries first rose into importance when the Chancellor ceased to be resident, and his functions were accordingly for the most part entrusted to a deputy. The title of Vice-Chancellor is given for the first time in Wood's Catalogue to Dr. Humphry, appointed during pleasure by Lord Leicester in 1574; but it also occurs in the Statutes of King Edward VI. Those Statutes direct that this officer shall be annually elected, as is still the case at Cambridge, by the Masters of Arts. It was not till the year 1569 that the Earl of Leicester, as Chancellor (to use the words of Wood), "took "upon himself the right of naming the Commissary or Vice-Chancellor, some-"times without the consent of the Convocation, rarely or never done in former "times." The Laudian Code legalised the power thus assumed. It enacts that the Vice-Chancellor shall be nominated from the Heads of Colleges by the Chancellor, with the assent of Convocation, and shall hold his office for one year. Into his hands have passed the powers of the Chancellor, with a few insignificant exceptions. This is sufficient to make him the most important officer of the University. To these powers must be added the influence which he has acquired from being Chairman of the Hebdomadal Board, as well as of all its Committees, and from the prolongation of his tenure of office (by re-appointment) from one year to four. The Vice-Chancellor is empowered by Statute to appoint four deputies, called Pro-Vice-Chancellors, ordinarily the two Heads who have held the office before him, and the two next in seniority to himself. Of these last the senior commonly succeeds as Vice-Chancellor. The Vice-Chancellor possesses a discretionary power of appointing his deputies, which affords the means of preventing an objectionable or obnoxious individual from obtaining the Vice-Chancellorship. Every Head is considered to be bound to accept the office if tendered to him; but it is not pressed on those who intimate their inability or their unwillingness to discharge its duties. The statutable stipend of this high functionary is ten pounds a-year; the real salary is derived from certain bequests, from fees, and from the profits which he may be able to make by using the balances of the University revenues placed in his hands during his term of office. We are unable, in the absence of evidence from the authorities of the University, to state the average amount of income derived from each or all of these sources.

Wood's Annals, anno 1569, vol. ii. p. 167.

Tit. xvii. sec. 3.

Tit. xvii., sec. 3, § 3.

THE PROCTORS SINCE THE LAUDIAN CODE.

The Proctors are no longer the two great officers who bore that name in the ancient Constitution. Their importance was diminished by the change which exalted the Heads of Houses. The ancient popular elections had continued, though not without interruptions, till 1628, when King Charles I. issued a special Ordinance, which was afterwards, in 1636, incorporated into the Laudian Statutes, and by which it was enacted that, in consequence of the tumultuous proceedings which often took place at the elections of the Proctors they should

hereafter be chosen from the several Colleges by turns. This new mode of election, although a sufficient remedy for the disorders which it professed to correct, has tended considerably to reduce the importance of the Procuratorial office. The Proctors do not now represent the University, but at most the particular Colleges which elect for the year. The Cycle, by which the election is regulated, is so unequally arranged, that some of the Colleges which take the least part in the education of the University, elect more frequently than others which stand in the foremost rank. The choice, rendered thus narrow by Statute, has been rendered still more narrow by the almost invariable custom of nominating the Proctors, not from all the members of the College, but only from its Fellows, and not from the Fellows with any regard to their qualifications, but simply according to seniority. This system has sometimes led to the appointment of persons of little fitness for the office, and has proportionably affected its dignity and influence. The Proctors, however, have still sufficient importance, from their right of nominating Examiners, their share in the choice of Select Preachers and of Delegates, and their administration of the Discipline of the University, to render unfit appointments to the post a source of considerable mischief.

THE CHANCELLOR SINCE THE LAUDIAN CODE.

The Chancellor is elected by Convocation, usually from political considerations; he rarely appears in Oxford, and seldom takes any part in academical government. Still his office is one of much dignity and influence; and his advice always has weight with the ruling body of the University. As he is usually a Peer, he is virtually the representative of the University in the Upper House of Parliament; he is also the organ by which the Government usually communicates with the University. He is Visitor of Pembroke College; he appoints the Provost of Worcester College from the list of those who are or have been Fellows; and he has the absolute nomination of four out of the five Principals of Halls. No emolument is attached to the office; on the contrary, the Chancellors have, for many years, given prizes to the amount of 60*l.* per annum.

THE HIGH STEWARD.

The office of High Steward, though always conferred like that of Chancellor on persons of high rank, is now merely honorary.

THE COLLECTORS.

The office of Collector, once so important as to have given occasion to one of the three Statutes in the Laudian Code, which are often regarded as peculiarly binding, is now never filled up.

We proceed to speak of the remains of the ancient Constitution which are still to be traced in the two Houses of Congregation and Convocation.

HOUSE OF CONGREGATION SINCE THE LAUDIAN CODE.

The House of Congregation has been greatly changed, and that principally by the enactments of Leicester and of Laud. Many of its functions have been transferred to the Hebdomadal Board, and those which it retains are purely formal. It consists of the Vice-Chancellor and Proctors, the resident Doctors, the Heads of Colleges and Halls, the Professors and Public Lecturers, the Examiners, the Deans or Censors of Colleges, and "Necessary" Regents. The Doctors have long since ceased to teach. The name of Regent has become a mere title. The College Tutors, who now chiefly conduct the instruction of the University, have as such no place in this body. Of the right of legislation which once belonged to it nothing remains, but that in it must be promulgated all Statutes three days at least before they are proposed to Convocation. What was once the important and exciting business of admitting to Degrees has dwindled into a form. The present House of Congregation meets only for the purpose of hearing measures proposed which it cannot discuss, of conferring Degrees to which candidates are already entitled, and of granting Dispensations which are never refused.

In what manner this body might be modified, so as to meet the wants of these times and to exercise advantageously its ancient powers, will be presently considered.

HOUSE OF CONVOCATION SINCE THE LAUDIAN CODE.

ITS POWERS.

The House of Convocation, which consists as formerly of all Masters of Arts and Doctors, who have taken out their Regency, and who are Members of a College or Hall, is now a much more important body than that of Congregation. It possesses the power of debating on the measures proposed by the Hebdomadal Board; and, by its acceptance, those measures become Statutes. It elects the Chancellor, the Representatives of the University in Parliament, many of the Professors, and various University officers, while on certain other appointments it exercises a veto. To it belongs the Ecclesiastical patronage of the University, and the right of conferring Degrees out of the ordinary course,

whether honorary or by diploma. Some persons have supposed that the Statutes give Convocation a power of amendment on the measures proposed to it by the Hebdomadal Board; but no such power, we believe, has ever been exercised.

Evidence of Mr. Foulkes, p. 223.

The right of debating is virtually annulled by the necessity of speaking in Latin at all times. It is true that a dispensing power in this matter is vested in the Chancellor; but except at the election of Burgesses, this power has been exercised, so far as we know, only on one occasion, namely in 1845, when Mr. Ward was heard in English in his own defence. Few Members of Convocation are now able to speak fluently in Latin, and a custom has arisen of reading written speeches. But even written speeches are seldom delivered, and, from the nature of the case, they can produce little impression.

Statut. Univ., Tit. xi, § 3.

Convocation seems to have a statutable veto on the important appointment to the office of Vice-Chancellor; but the power of rejecting a person nominated by the Chancellor is now, practically at least, abrogated. Whether or not it was conceded by the Laudian Statutes, we are not aware that it was ever claimed till the year 1844. In that year the nomination of the Warden of Wadham was opposed. It is understood that the opinion of eminent Counsel was taken by the Hebdomadal Board; and that it is in consequence of the opinion then obtained, that the consent of Convocation to the appointment of the Vice-Chancellor has not since been asked. Before that year, the question of approbation or disapprobation had always been put to the House.

The only Legislative power then which practically belongs to Convocation is the power of accepting or rejecting without amendment the measures proposed to it by the Hebdomadal Board.

THE VETO OF THE VICE-CHANCELLOR AND OF THE PROCTORS.

The Laudian Constitution vested in the Vice-Chancellor singly, and in the two Proctors jointly, a Veto on all measures brought before Convocation. This power is analogous to that which in the University of Cambridge belongs to each of the five Members of the Caput.

The Veto entrusted to the Vice-Chancellor is rarely if ever exercised, except as a matter of convenience, when Statutes are proposed clause by clause to Convocation, and the rejection of one clause may have rendered necessary the withdrawal of others which follow and are dependent on it.

The Veto entrusted to the Proctors was exerted on several occasions in the last century; in the present, we believe, three times only;—once in 1825, on a proposition to appoint a Delegacy; again in 1836, in order to prevent a censure on Dr. Hampden; lastly in 1845, when a proposition was made to condemn certain principles laid down in the 90th "Tract for the Times."

Such generally is the Constitution of the University, as it was finally confirmed by King Charles I. and Archbishop Laud, and as it has ever since remained.

PRESENT STATE OF PUBLIC OPINION WITH REGARD TO THE CONSTITUTION.

As to some parts of this Constitution no dissatisfaction has been expressed. No one desires any interference with the high office of the Chancellor. To the powers of the Vice-Chancellor and to the mode of his appointment no objections of moment are made. With regard to the former we have no suggestions to offer; with regard to the latter, suggestions on matters of detail only.

But as to Convocation and the Hebdomadal Board, the complaints are loud and general, and the evidence which has been laid before us on the subject is copious, explicit, and, in its general principles, unanimous. One voice only has been raised in defence of the present system. It is, however, the voice of an eminent man who is himself a Member of the chief governing body. "I am "satisfied," says Dr. Cardwell, Principal of St. Alban's Hall, "with the "present constitution of the University, and believe that in the hands of honest "and able administrators it is, upon the whole, better calculated than any "other hitherto proposed to discharge its proper duties."

Evidence, p. 264.

OBJECTIONS TO THE HEBDOMADAL BOARD.

The dissatisfaction respecting the Hebdomadal Board is very strong. Grave objections have been urged against its composition and powers, not by one party only, but by persons of various opinions in the University.

We have before shown that the power of legislation belonged in early times to those who were actually engaged in giving instruction, and that causes of a temporary nature in a great degree determined the successive interventions by which the government of the University was reduced to a narrow oligarchy. There is no reason why an arrangement which may have been thought at one time advisable, whether from State-policy, or other motives, should be perpetuated for ever. It is anomalous that the government of this great Institution

should be committed to persons, the great majority of whom are elected by the Fellows of the separate Colleges out of their own narrow circle, often for reasons of a personal or social nature, and with little or no regard to the welfare of the University. It is more anomalous still, that the literary interests of the University should be committed to persons who are not necessarily chosen for literary qualifications; while on the other hand the Professors and the Tutors have, as such, no right to suggest or amend or even to discuss any measure, how much soever it may affect the literary and educational interests of the place; and can, at most, reject or accept what is proposed to them in Convocation, in common with hundreds of others whose sole title to interfere is a Degree.

For a full appreciation of the feeling which prevails in the University against the present constitution and powers of the Hebdomadal Board, we must refer to the Evidence itself. We will content ourselves here with quoting one passage only, from the Evidence of Professor Vaughan, in which this subject is briefly and temperately discussed: "Whatever (he says) may be the merits and "efficiency of this part of our present Constitution, it is not a fundamental and "aboriginal system. And I cannot but think that it is somewhat more exclu-"sive in its character than can be necessary or beneficial. The Heads of "Colleges are elected by their respective societies, and owe their promotion to "the confidence which these bodies repose in them. This confidence may arise "from a sense of past services, or the acknowledgment of qualities adapted to "manage the details of finance, property, and discipline; or from social merits "calculated to govern and harmonise the society. But the Heads of Houses "do not necessarily, or even very generally, follow literary and scientific pur-"suits. Nor are they directly and closely connected with the instruction of "the place. They simply appoint the Tutors, and preside with more or less "activity at the terminal examinations in College. They live generally with "their families, and do not immediately imbibe the spirit or learn the wishes "of those who more directly carry forward the instruction. They constitute "a most valuable element for legislation as well as administration; but I think "that it would be advantageous, if in addition to this, other influences were "admitted to give their aid in suggesting and framing the laws of the Uni-"versity."

Evidence, p. 82.
Compare Evidence of
Prof. Walker, p. 22.
Mr. Jowett, p. 30, 31.
Mr. Stoddart, p. 239.
Prof. Ogle, p. 41.
Mr. Melville, p. 57, 58.
Mr. Bart. Price, p. 60.
Mr. Wilkinson, p. 72, 73.
Mr. Cox, p. 93, 94.
Mr. Strickland, p. 99.
Mr. Temple, p. 133.
Mr. Freeman, p. 135.
Prof. Wall, p. 151.
Mr. Congreve, p. 152.
Dr. Twiss, p. 155.
Sir E. Head, p. 160.
Mr. Litton, p. 175.
Mr. Bonamy Price, p. 192.
Mr. Griffiths, p. 202.
Mr. Henney, p. 206.
Mr. Foulkes, p. 223.

The unanimous expression of dissatisfaction in every part of the Evidence in which this subject is handled confirms our own conviction, that into any plan for University Reform must enter some modification of the Academical Constitution, as regards the legislative powers now almost exclusively confided to the Hebdomadal Board. With respect to the nature of the change required, however, there is not (as might be expected) the same concurrence of opinion as there is with regard to its necessity. The different plans proposed, or at least indicated, in the Evidence, may be classified under three heads.

SUGGESTIONS FOR AMENDING THE CONSTITUTION.

I. PROPOSAL TO INCREASE THE POWERS OF CONVOCATION.

I. Some persons would modify the powers of the Hebdomadal Board simply by investing Convocation with the right of debating and of amending all propositions submitted to its vote.

Evidence of—
Mr. Strickland, p. 99.
Mr. Freeman, p. 135.
Mr. Foulkes, p. 223.
Mr. Stoddart, p. 230.

The objections to this scheme are very strong. It is not desirable to invest a large promiscuous body with extensive powers of legislation, especially in matters affecting education. Even if this were desirable, Convocation would not answer the purpose. It consists of more than three thousand members scattered throughout the country. Few of them, comparatively speaking, can rightly apprehend or even fully learn the nature of the measures submitted to their vote. Measures of reform brought forward by the Hebdomadal Board have often been thwarted or defeated by the adverse votes of Convocation.

Compare Evidence of—
Prof. Walker, p. 22.
Mr. Jowett, p. 30, 31.
Mr. Wilkinson, p. 72.
Mr. Temple, p. 135.
Mr. Congreve, p. 152.

Moreover this plan leaves to the Hebdomadal Board its sole right of initiating measures; and the Board, always jealous of Convocation, would become much more so, in case its measures were made liable to alteration. Supposing it to retain its sole right of initiation, its movements would become slower than ever.

Evidence, p. 93.

Evidence of—
Prof. Browne, p. 6.
Prof. Walker, p. 22.
Mr. Jowett, p. 38,
Mr. Wilkinson, p. 81.
Mr. Temple, p. 129.
Mr. Congreve, p. 153.
Dr. Twiss, p. 156.
Dr. Macbride, p. 221.

Further, as regards the elective powers of Convocation, the Evidence bearing on the subject is almost unanimous in stating that of all modes of electing Professors, that by Convocation is the worst. Mr. Hayward Cox sums up his remarks on this point in the following words: "Of elections in Convocation, "it may be said, that even where the result has been to secure the appoint-"ment of the best candidate to such chairs as those of logic, political economy, "or poetical criticism, the election has, in point of fact, generally turned upon

"considerations wholly irrespective of those of fitness for the office." A body which so discharges one important part of its functions, can hardly be entrusted with increased powers in more difficult and delicate matters.

We are, therefore, of opinion that it is unadvisable to give to Convocation any further power than it now possesses. Indeed we shall feel ourselves compelled to advise that the right of appointing many of the Professors, which now belongs to Convocation, should be withdrawn. In other respects its powers might be left unaltered. Its right to elect the Chancellor of the University and the Burgesses who represent it in the House of Commons, it ought to retain. And, since we consider it undesirable to abolish any part of the existing Constitution without necessity, we think that Convocation should keep its present power of accepting or rejecting measures emanating from those in whose hands the initiative will be vested.

II. PROPOSAL TO CREATE A NEW HEBDOMADAL BOARD

Evidence of—
Prof. Walker, p. 22.
Mr. Griffiths, p. 202.
Mr. Bart. Price, p. 60.
Prof. Vaughan, p. 82.
Mr. Temple, p. 133.
Prof. Wall, p. 151.
Sir E. Head, p. 160.
Mr. Litton, p. 175.
Mr. Jowett, p. 30, 31.
Mr. Wilkinson, p. 72, 73.
Mr. Cox, p. 93.

II. A second proposal is that, Convocation remaining as it is, a change should be made in the constitution of the Hebdomadal Board alone. Some persons would simply diminish its numbers. Some would create an entirely new Board, composed of a select number of Heads of Houses, Professors and Tutors. Others would simply add the Professors to the existing Board. All these proposals would leave the powers of the Board undiminished, and its relations to Convocation unaltered.

By simply diminishing the numbers of the Hebdomadal Board little or no advantage would be gained. Even if we grant that some of the less useful members might thus be removed from the Board (though the contrary is just as likely to happen), this scheme would give no increase of influence to the Professors or the Tutors; and we think that any plan of reform which did not give due weight to the Teachers of the University, would be ineffective, or rather, mischievous. The next of these suggestions is intended not so much to alter the number of the present Hebdomadal Board, as to alter its constitution by introducing into it a proportion of Professors and Tutors. It would, no doubt, provide for the paramount object to which we have just referred. But we see many objections to this plan; for, however it may be modified, it involves the necessity of frequent elections, which all would wish to avoid if possible. Moreover, if the numbers of the Board were either diminished or left as at present, we think that much the same complaints would be raised against it, as against the existing Board. Members of Convocation would not be satisfied to leave the sole right of initiation in so small a body. Or if, according to the third of these suggestions, the present Board were increased by the addition of the Professors, the body, however well fitted for legislation, would become too large and cumbrous for executive and administrative purposes.

See especially Mr. Jowett's Evidence, p. 31.

We believe that all the advantages which these schemes contain, will be found in the plan which we now proceed to discuss.

III. PROPOSAL TO RESTORE CONGREGATION.

III. This plan is not proposed in its complete form by any one person, but has been framed after a careful examination of several schemes, more or less similar, and a very full discussion of the whole subject. We will endeavour first briefly to state the principles which have guided us.

We have thought it essential that the opinions and feelings of Convocation, which can now be made known merely by Latin speeches and a power of veto, should have some more full and legitimate mode of expression; but at the same time we have been anxious to guard against establishing, what Mr. Jowett calls "a vast debating society, in which (as occasion offers) every political, "ecclesiastical, and religious question, is liable to be discussed."

Evidence, p. 31.

We are also satisfied, that the power of initiating measures should be at least shared with the Hebdomadal Board by those who have an equal, not to say a greater, interest in the education given by the University, and in its character as a learned body,—that is to say, the Professors, Public Lecturers, and College Tutors, none of whom have, according to the present Constitution, any more real power than the youngest Master of Arts.

See especially Evidence of—
Mr. Jowett, p. 31
Mr. Wilkinson, p. 73.
Prof. Vaughan, p. 82.
Prof. Wall, p. 151.
Dr. Twiss, p. 155.
Sir E. Head, p. 160.
Mr. Litton, p. 175.

Lastly we have wished, as far as possible, to retain the ancient forms of the University, and to remodel and renovate rather than to create anew.

Our purpose then has been to bring together a body not unmanageably large, and composed of such men, as from their high position, their literary character, and their close connexion with the University might be expected to supply a

Council of wise and liberal temper, alive to academical interests, and not likely to degenerate into a mere popular assembly.

It seemed to us that such a body might be found in the House of Congregation, once important, but now a shadow. This House consisted originally, as we have stated, of the actual Teachers of the University. We propose to restore this state of things, with some modifications, and to remodel the House according to what we believe to have been its spirit and purpose in ancient times.

The Members of this remodelled Congregation should be the Heads of Houses and Proctors, who would sit there as the administrative Officers of the University, together with the Professors and Public Lecturers, who are its authorised Teachers, and who, as we think, ought to be considerably increased in number and raised to a position much higher than that which they now occupy. "It would be well," says Professor Vaughan, "at least to *comprehend* "a learned element, such as in many European Universities has the chief, if "not the only sway. It would be desirable that, in a seat of learning and "instruction, those who have attained the highest position as cultivators of "literature and science, who must be considered as intimately acquainted with "the state of the several departments of knowledge, who are brought into "occasional contact with Students of all ages and degrees in the place, who "have proved themselves to possess a considerable degree of intellectual power, "and who are necessarily interested in the success and reputation of the "University, should take some active part in making and administering the "laws." We think also that the College Tutors, who must be recognised as University Teachers, should have a voice in the deliberations of this Council. But, as it would be inconveniently enlarged by the admission of their whole number, we propose that they should be represented by the Senior Tutor of each College. The Doctors, and the so-called Regent-Masters, who have now long ceased to exercise the right of teaching which their names imply, would fairly cease to be Members. The more important Colleges would indeed, as regards their representation by their Tutors, be placed on an equality with the smaller, but they would find compensation in the larger number of Professors and Public Lecturers which they would supply. With so large a proportion of the Instructors of the University, it would hardly be necessary for the public interests that the Examiners should have seats in the House.

Evidence, p. 82.

The House of Congregation thus remodelled, or rather restored, would consist of the persons most interested in the education of the place, which is the chief subject of Academical Legislation. "A body thus constituted," says Professor Vaughan in speaking of a somewhat similar proposal, "would bring into "action most of the valuable elements for legislation which the place would "supply—age, intellect, ability, practical habits, the feeling and opinion of the "time, a knowledge of the subjects which the University proposes to teach, of "its state moral and instructional, and of its trusts, property, and finances." The duty of this body would be to deliberate on all measures proposed to it by its own members, or by the Hebdomadal Board. These measures would then be finally submitted to Convocation.

Evidence, p. 83.

THE HOUSE OF CONGREGATION UNDER THE PROPOSED ALTERATION.

For the purpose of enabling Congregation to fulfil its deliberative functions, its members should be allowed the same free use of the English language which is granted to the Hebdomadal Board.

We believe that the character and station of the persons whom we have designated as Members of Congregation would be enough to prevent this body from degenerating into a "debating society." But to guard against the possibility of such a danger, and the formation of organised parties, we propose that Congregation should not meet regularly for legislation. The Vice-Chancellor should call it together for this purpose, whenever propositions, either emanating from the Hebdomadal Board or contained in a requisition signed by a fixed number of the Members of Congregation, are proposed for discussion. The propositions to be brought forward should be printed and circulated a certain time beforehand, so that all Members might come duly prepared for deliberation.

Congregation, as thus constituted, would consist of more than one hundred Members, and may seem too numerous a body for academical legislation. But this objection applies to all deliberative assemblies worthy of the name. It is

brought by Mr. Griffiths even against the Hebdomadal Board. It admits of an easy answer. All deliberative assemblies appoint Committees to report on measures submitted to them; and this practice is recognised by the Statute which provides for the appointment of Delegacies. These Delegacies or Committees would not be nominated by the Proctors, or by the Proctors and the Vice-Chancellor, as at present, but would be proposed by the persons who brought forward the measure, and the names would be submitted to the approval of Congregation. Such Delegacies would, no doubt, be appointed to draw up all important measures. They would naturally be composed of persons of all grades in the Congregation, who would thus be brought into closer union with each other. Evidence, p. 202.

The restoration of this Legislative Body does not, as we propose it, involve the abrogation of any of the existing elements in the Constitution of the University.

THE HEBDOMADAL BOARD UNDER THE PROPOSED ALTERATION.

The Hebdomadal Board would remain. To maintain discipline, and to transact the ordinary business, it appears to us that no other body could be found so competent as that which has hitherto discharged these functions, closely connected as it is with the Colleges, possessing the traditions of administration, and alone having sufficient leisure at its command. This body, not inefficient at present for these purposes, will become a better representative of the intelligence of the University, than it can be now, if the changes which we shall hereafter recommend in the Colleges, be carried into effect. We are of opinion that it ought to retain the right, though no longer the exclusive right, of initiating measures to be submitted to Congregation. This would be very convenient as regards many regulations of practical importance, which might not otherwise be brought before Congregation. Moreover the Hebdomadal Board would naturally be anxious to keep up its influence by anticipating improvements likely to be proposed by Members of Congregation; and it would so frame its measures as to secure their easy passage through the ordeal of a debate in that body.

THE HOUSE OF CONVOCATION UNDER THE PROPOSED ALTERATION.

The House of Convocation would retain the right of veto on all measures passed in Congregation. Its members would not have the same reason to complain as they have now; since the most eminent of them would have a seat in Congregation, and it is to be hoped that the free discussion which every proposal would necessarily there receive, and the facility with which Members of Convocation would be able to make their wishes known to Members of Congregation would diminish the tendency of the former body to obstruct measures submitted to its vote; and dispose Convocation to receive with favour, rather than with suspicion, the propositions sanctioned by the persons more immediately interested in education.

REGISTER OF MEMBERS OF CONVOCATION.

Convocation would retain, as we have stated, the right of electing the Chancellor of the University, and the Burgesses. On this head we have to suggest that a Register of the members of Convocation, with their addresses, should be kept by a Bedel, or some other officer of the University, and that it should be freely accessible. The manner in which the right to vote is authenticated is by a return prepared by the Butler and signed by the Head of each College or Hall; but the addresses of those whose names are on the list do not there appear. Formerly, comparatively few but residents kept their names on the books, and no inconvenience resulted from the manner in which the Register of Convocation was made up. At present, the supporters of candidates are obliged to accept as a favour any information which may enable them to communicate with the voters; and that information cannot always be obtained by the supporters of a candidate whose pretensions are not viewed with favour by a College or its officers.

STANDING DELEGACIES.

Before we conclude our examination of the Constitution, we must notice the Standing Delegacies or Committees, which are appointed for the purpose of managing various branches of University business. Some of these have large executive duties, the duties of some others are merely nominal. There are Delegates of Accounts, of Estates, of Privileges, of the Press, and of Appeals from the Vice-Chancellor's Court. To these must be added the Curators of the Bodleian Library, of the Taylor Institution, and of the University Galleries, who are in fact Delegates under another name.

Most of these Delegacies and Curatorships are composed of members who hold their seats for life. The Delegates of Privileges are appointed partly for

life, partly by the year. The Delegates of Appeals are nominated for one year only. The appointment of Standing Delegates is vested in the Vice-Chancellor and Proctors. Delegacies are also nominated for special purposes. Their members are chosen by the Proctors. The administrative powers of Delegacies are, in many cases, absolute and irresponsible.

Many of the matters committed to the sole charge of these Standing Delegacies are very important, as, for instance, the business of the University Press. The Press is, we believe, admirably managed now; but when the able men by whom it is at present administered became Delegates, it was in a very different state. What has happened once may recur, unless provision be made against it. Besides, we think that a Legislative body, such as Congregation would become if constituted on the plan we recommend, ought to have some control over all branches of the Executive. We suggest, therefore, that every Standing Delegacy should be bound to lay an annual Report of its proceedings before the House of Congregation. In regard to the appointment of the Members, we recommend that in each Delegacy there should be one or two official and irremovable Members; and that of the other Members, a certain number should retire yearly, but that they should be re-eligible. The names of the non-official Members of each Board should be submitted to Congregation by the Proctors. Some inconvenience results from the requirement that the Vice-Chancellor must be Chairman of every Board of Delegates; as the multiplicity of his duties often obliges him to defer business which demands immediate attention. We recommend that every Standing Delegacy should be empowered to choose a Chairman to preside in the absence of the Vice-Chancellor.

PROFESSORS TO FORM A NEW STANDING DELEGACY OF STUDIES.

We further propose that the Professors should form a new Standing Delegacy for the supervision of the Studies, the Examinations, and the Public Libraries. We shall hereafter recommend measures, calculated greatly to raise the importance of the Professorial body, so that we may hope to see its ranks filled with active and able men in all departments; and therefore it is not much to ask that such a body should have an independent and recognised position in the University. At present, the Professors (as such) have no voice in any part of Academical business; and even in the amended Congregation, they would only sit in common with the Heads of Houses, and a portion of the Tutors. The Professors, if formed into an Official Delegacy, would have such a position as we desire. And there would be this further advantage, that by giving to the Professors the supervision of the Studies, and a chief voice in the appointment of Examiners, much would be done towards securing a stability and consistency, which are wanting in the present system of Examinations.

Such is an outline of the scheme which we venture to propose for adjusting the constitution of the University to its wants. We do not propose this plan as the only one, or as the best, which could be devised, but as that which on the whole seems with the least change to afford the greatest facilities for future improvement. If a body, such as we have suggested, were constituted with full legislative powers, it might be entrusted with the care of carrying out details and filling up the outline which we have given. Men of high station in the University would doubtless observe due caution in making alterations, while their experience would suggest the best mode of dealing with many matters with which it is not desirable that any external power should interfere. We are of opinion that the Imperial Legislature, or the Crown, should lay down only a few broad principles, not to be departed from without permission, and that it should give the University full liberty in all besides. To put the University into a condition to exercise such liberty beneficially, is the end which we have proposed to ourselves in the foregoing recommendations.

CONFERRING DEGREES.

The duty of conferring Degrees would still remain with Congregation. The University would do well, without unduly curtailing the ceremonial which becomes an ancient Institution, to follow out the course which it began in 1827, by still further retrenching or simplifying forms, and greatly diminishing the number of days which are now unprofitably spent in Congregation by many whose time is of value to themselves and to others. The business of Congregation at present chiefly consists in granting dispensations for non-observance of obsolete statutes. These dispensations seem to be retained for no other reason than because fees are paid to obtain them. This, of course, is a strong additional motive for their abolition. On this, however, we need not dwell. Lifeless forms and pecuniary exactions would soon be swept away if the government

of the University were placed on a better footing. And, if the process of conferring Degrees were shortened, and the number of days on which they are conferred diminished; and if, according to the above proposal, Congregation were really composed of the most eminent persons in the University, the ceremony, instead of being tedious, as at present, might be rendered dignified, and even impressive.

CHANGES REQUIRED IN THE OFFICE OF THE VICE-CHANCELLOR.

Evidence of—
Mr. Cox, p. 93.
Mr. Griffiths, p. 202.

As regards the office of Vice-Chancellor, we have already intimated that we have little to suggest. The doubt which exists as to the mode of his appointment should be removed. We see no reason why the Heads of Halls, who are often among the ablest men in the Hebdomadal Board, and whose revenues from private or public sources, as well as their residences, are, in many cases, not inferior to those of Heads of Colleges, should not be called upon to discharge this office. It has been suggested that they were excluded from it on the ground that the Halls were specially subject to the authority of the Vice-Chancellor. This jurisdiction, however, having become merely nominal, as regards the Heads of those Societies, their exclusion seems needless.

Evidence of—
Mr. Litton, p. 175.

Some persons are of opinion that the Professors also should be eligible. But we cannot concur in this recommendation. Even if the Professors were all sufficiently well endowed to undertake the office, yet few of them would wish to be engaged in a constant routine of business, and none of them (we will add) ought to have sufficient leisure for such a purpose.

EMOLUMENTS OF THE VICE-CHANCELLOR.

We are of opinion that the Vice-Chancellor's emoluments ought not to depend on uncertain profits; and that he ought to be remunerated by a competent salary. It is generally felt that many of the formal duties of the office might with advantage be transferred to other hands.

CHANGES REQUIRED IN THE OFFICE OF THE PROCTORS.

Evidence of—
Prof. Walker, p. 22.
Mr. Jowett, p. 32.
Mr. Bart. Price, p. 60.
Mr. Wilkinson, p. 72.
Mr. Cox, p. 94.
Mr. Scott, p. 111.
Mr. Freeman, p. 136.
Dr. Twiss, p. 155.
Mr. Congreve, p. 152.
Sir E. Head, p. 160.
Mr. Lake, p. 173.
Mr. Jelf, p. 184.
Mr. Bon. Price, p. 192.
Mr. Griffiths, p. 202.
Mr. Henney, p. 206.
Dr. Macbride, p. 219.
Mr. Foulkes, p. 223.
Dr. Greenhill, p. 227.

Of the arbitrary and uncertain mode in which the Proctors are now appointed, we have already spoken.

An additional impediment to the selection of fit persons and to their proper discharge of their duties when appointed, lies in the circumstance that gentlemen are often brought up from the country to fill the office long after their connexion with the University has ceased, and that their tenure of it is so brief that they have scarcely become familiar with its duties before they retire from it, to be succeeded by others as inexperienced as they themselves were twelve months before. If their election were for the future vested in the Congregation, if their office lasted for two years, at the end of which they might be re-eligible, and, if one of the Proctors always went out of office some considerable time before the retirement of the other, these evils would be abated. It would be beneficial also to rescind the present rule by which the tenure of this office is restricted to Masters of Arts of not less than four, nor more than ten years' standing, on the ground that where it is difficult to find fit persons for an office at all, the fewer the restrictions the better.

We see no reason why the Proctors should not retain their academical rank, and occupy seats as at present in the Hebdomadal Board, in Congregation, and in Convocation. But the Veto which is entrusted to them, would naturally cease under the system which we propose. We should also wish to see the right of appointing Examiners placed in fitter hands.

Evidence of—
Prof. Daubeny, p. 14.
Sir E. Head, p. 160.
Dr. Macbride, p. 219.

These are the recommendations which we have to make for improving the Legislative and Executive functions of the University. We have now to examine its State as regards Numbers.

THE STATE OF THE UNIVERSITY AS REGARDS NUMBERS.

We have no means of ascertaining the exact number of Students residing at any one time in Oxford, but we can furnish an estimate sufficiently accurate for practical purposes.

The average number of Students matriculated annually in the first thirteen years of this century was about 267. It rose rapidly at the termination of the war, having amounted to 359 in the year 1814, and to 372 in 1815. The average number admitted in each year, from 1814 to 1840 inclusively, was about 364. The largest number admitted in any one year during that period was 422 in 1829. The matriculations fell off considerably from the year 1831 to the year 1834, when they did not exceed 318. This diminution was supposed to be occasioned by the apprehensions entertained as to the security of the Established Church, during that period of political agitation. In 1835 the numbers began to rise again, attaining in that year to 370, and in 1838

Compare the Report of Committee of Hebdomadal Board on University Extension (Appendix E, p. 55, 56).

to 413. For the ten years, from 1841 to 1850, they have averaged 400, or rather more. The largest number admitted in any one of these ten years was in 1849, when 446 were matriculated. In 1851 they fell to 359. Whether this fall is due to a permanent or temporary cause is not yet apparent.

Making all the necessary deductions for absence from various causes, perhaps, we may estimate the number of Students actually resident in Oxford at the present time to be about 1300. There are, at this moment, more Students in Oxford than at any time in the last two centuries.

Appendix E., pp. 55, 56.

It is stated (and we believe with justice) in the Report of the Committee of the Hebdomadal Board, appointed in 1846 to consider this very subject, that "the number of educated persons sent forth annually by the University has "been considerably increased, in a ratio, indeed, exceeding that of the increase "of the population of England and Wales during the same period;" "and that "the number of persons now existing who have been educated at Oxford must "be between 4000 and 5000 more than were living 30 years ago."

The number of persons who have passed the Final Examination for the Degree of B.A. has, during the last ten years, averaged annually 287. The number matriculated averages, as we have stated, 400, or something less. It follows, therefore, that the number of those who eventually proceed to a Degree is not quite three-fourths of those who enter the University.

The total number of members of the University on the 31st of December, 1850, was 6060. The number of Undergraduates on the books, resident and non-resident, was 1402. The number of Members of Convocation was 3294. The remaining 1364 members were either Graduates who had not yet acquired the franchise, or Graduates who, having once lost it by removing their names from the books, have not yet recovered it by the statutable means. The number of Graduates of all ranks residing in Oxford does not, we believe, exceed 300.

These results may appear small when we remember the large endowments belonging to the Colleges. All feel it to be desirable that the benefits offered by the English Universities should be extended far more widely, and that, if possible, the most able and promising of the youth of the whole Empire should be attracted to these great Institutions.

CAUSES WHY THE NUMBERS ARE LIMITED.

There are several causes which tend to limit the number of Students at Oxford.

The education imparted there is not such as to conduce to the advancement in life of many persons, except those intended for the ministry of the Established Church. Many are now called to the Bar, and raised to the highest judicial functions, who have not been members of any University; and a large proportion of those Barristers who have received an academical education are said to be Cambridge men. Few Physicians are now educated at Oxford. Nor do many persons take a Degree with a view to enter into the legal profession as Solicitors, though the Legislature has given to Graduates an advantage as regards the duration of their articles.

The great bulk, we repeat, of those who actually resort to Oxford are destined for the ministry of the Church; and, so long as a Degree is required for Ordination, a considerable number of persons will repair to the University, be the education what it may, and though the expenses should remain what they now are. But the number of Students intended for Holy Orders would, we believe, become much greater if the expenses were considerably reduced. Indeed, the foundation of such institutions as Durham, Lampeter, and St. Bees, is probably owing in part at least to the great cost of an Oxford or Cambridge education.

The number of Students at Cambridge is greater than at Oxford, though at Cambridge the accommodation within College walls is more limited, and the endowments are much less considerable. This may be owing in part to the greater facilities for admission into a good or a popular College at Cambridge, together with the greater advantages there offered by open Fellowships and Scholarships; and another reason may be that the Examinations in that University can be more easily passed by persons who have not received a classical education. The absence also of a religious test at Matriculation, may sometimes cause a preference to be given to the sister University. But however it may be accounted for, the fact of such a superiority in numbers proves that

Oxford, which has more Colleges and ampler revenues than Cambridge, ought to send forth a larger number of Students than at present.

NUMBERS CAPABLE OF BEING INCREASED.

While, however, we entertain a strong hope that the benefits of the University may be more widely extended, we limit our expectations by the circumstances and exigencies of modern times. It would be vain to look for the almost fabulous multitudes, which are said to have resorted to Oxford in the reign of King Henry III. At that time the University of Oxford was, we may almost say, the chief charity-school for the poor, and the chief grammar-school in England, as well as the great place of education for Students of Theology, of Law, and of Medicine. The oldest of the great Public Schools was not yet founded. The Inns of Court and the Schools of Medicine had no existence, and many students from foreign Universities thought their education incomplete until they had visited the most celebrated seat of English learning. There is, however, much to encourage the belief, that many impediments to the greatness of Oxford may be removed by the University or the Legislature, and that large classes, at present excluded, may, in future generations, and even in our own, be attracted by the ample rewards, and the excellent education which Oxford may easily be enabled to offer. We shall hereafter show on the authority of the highest names, that it is possible to render Oxford a place of preparatory education both for Law and Medicine. Professional knowledge, in the strict sense, cannot be given in a provincial town. It must be acquired where the Professions are practised, that is, in Chambers and Courts of Law, and in the Hospitals of great cities. But young men intended for the higher branches of both Professions might, with advantage, spend the three or four years after seventeen in Oxford, provided that, besides the general training of the place, they were enabled and required to master the principles of those branches of knowledge which they must afterwards study in detail. The changes which are taking place in the administration of justice seem to render it necessary that persons in all grades of the Legal profession should receive an Academical education. It is certainly desirable that the manufacturing and mercantile, which has arisen by the side of the landed aristocracy, and which is exercising a great influence on the public counsels, should seek to have its sons brought up where so many eminent statesmen of past and present times have been trained; and that the Universities should not cease to send forth a succession of persons qualified to serve God in the State as well as in the Church.

It would be inconvenient fully to enter into this subject till we have considered the next department of our inquiry, namely, the Discipline of the University.

II. DISCIPLINE.

We now proceed to consider the Discipline of the University. We propose also to discuss under this head all that relates to the conduct and expenses of the Students during their academical career, and, as we have just stated, the great question of University Extension.

Discipline is exercised by the authorities of the University, and the Colleges.

DISCIPLINE AS EXERCISED BY THE UNIVERSITY AUTHORITIES.

The Discipline of the University is chiefly maintained by the Vice-Chancellor and the two Proctors. It is the duty of the Vice-Chancellor to repress offences against order, morals, and religion. He presides over a Court, in which suits are brought against Members of the University, or against townsmen in certain cases; but justice is usually administered in that Court by his Assessor. He is also a magistrate for Oxfordshire and the adjoining counties. The two Proctors direct the police of the University. Each Proctor appoints two deputies, who must be Masters of Arts of four years' standing.

THE ADMINISTRATION OF THE VICE-CHANCELLOR AND THE VICE-CHANCELLOR'S COURT.

On the administration of discipline by the Vice-Chancellor personally, we have no suggestions to offer. No one has questioned its wisdom and beneficial effects. But, as regards his Court, complaints are frequent. As the Assessor has not replied to our inquiries, we can give but little authentic information, and we cannot make any specific suggestions concerning it. A slight reform was made in its procedure in the year 1850, but that procedure is still believed to be inconvenient and expensive. The Proctors of this Court, who are at once advocates and attorneys, are, in practice, limited to two, appointed by the Vice-Chancellor. Till very recently both were, and one now is, in Orders. There is no security for their legal qualifications. Instances of misconduct on the part of

Evidence of—
Mr. Henney, p. 206.
See also Evidence of
Mr. Eaton, p. 204.

former Proctors of this Court have tended to bring discredit upon it. We do not see that any benefit results to the University from that branch of its jurisdiction which relates to the recovery of debts; but, if the Court is to retain this power, the procedure should be made as brief and as inexpensive as that of the County Courts, and its practice should be thrown open in fact, as it seems to be by Statute. Notice should at once be given to the Head of each College or Hall, when an action in this Court is commenced against any of his Undergraduates.

Statut. Univ.,
Tit. xxi. § 5.

THE ADMINISTRATION THE PROCTORS.

We have already stated that the mode in which the Proctors of the University are appointed renders the selection of fit persons, in a high degree uncertain. This evil, great when viewed with reference to their legislative functions, is still greater when viewed with reference to their important duties as the chief administrators of University Discipline. There are many sources of mischief beyond their control, but the immediate temptations, against which the University is especially bound to defend the weakness of its younger Members, are well known to prevail or to decline according to the vigilance or the laxity of the Proctors; and very different effects are produced on the harmony and good order of the University, according as a Proctor brings, or fails to bring, to his delicate and responsible task sound judgment, good feeling, conciliatory manners, and energy. Yet to this arduous office men are often chosen who have long retired from the University, and whose qualifications for their duties hardly enter into the consideration of those who appoint them. That cases of extreme incapacity have been rare, and that instances of eminent fitness in persons so appointed have occurred, is no valid reason for continuing a hazardous system in a matter which seriously affects the well-being of the University. If there were a greater security for good appointments, there can be little doubt that a longer tenure of the office would be desirable. On these grounds, therefore, we again urge the adoption of the remedy which we have already suggested in the previous section of our Report.

Evidence of—
Mr. Cox, p. 93.
Mr. Lake, p. 173.
Mr. Jelf, p. 184.
See also the Evidence quoted above, p. 17.

Above, p. 17.

These are the authorities who enforce Discipline in the University. As for the University Discipline itself, it is so closely connected with the administration of the Colleges, that we must consider them together.

DISCIPLINE AS EXERCISED BY THE COLLEGE AUTHORITIES.

The peculiar relation of the Colleges to the University has affected the character of the University in this as in every other respect. The causes which have given rise to this connexion will appear in the subsequent portion of our Report.

The Discipline of a College is administered chiefly by its Head, and by officers known by the various names of Vice-gerent, Subwarden, Censor, or Dean. The Tutors also take part in the control of the Students. In Christ Church the discipline is administered by the Dean of the Cathedral, with the assistance of the Subdean and Censors; but members of the Foundation can only be expelled by the sentence of the Chapter.

RESIDENCE WITHIN THE COLLEGE WALLS, HOW FAR ENFORCED.

The University Statutes prescribe that every Student shall eat and sleep within the walls of his College or Hall during the whole of his Undergraduate career; but in practice a considerable relaxation of this rule is tolerated. The more frequented Colleges compel their Students, after twelve Terms' residence within the walls, to take lodgings in the town. Some of them, when pressed by want of accommodation, allow Students during their first Term, or even longer, to pass the day in lodging-houses, the letter of the Statute being observed by their sleeping in College. The Vice-Chancellor is empowered to grant dispensations in particular cases. These are chiefly granted to persons in ill-health, or, in the Halls, to men of maturer years.

RESTRAINT IMPOSED BY CLOSING THE GATES AT NIGHT.

Statut. Univ.,
Tit. xv. § 6.

By the University Statutes it is enacted that all Students shall return to their chambers before 9 P.M., that the College gates shall then be closed, and (in accordance with an Ordinance of King James I.) that the Head shall occasionally search the rooms of the Students after that hour, to satisfy himself of their presence. The College Statutes, in some cases, require much earlier hours. According to the present practice no Undergraduate resident in College is allowed to go out after the gates are closed at 9.15 P.M., but, in most Colleges, all are at liberty to remain out till midnight, or, in some cases, till 11 P.M., the exact time of their entrance, after the closing of the gates, being notified to the authorities of the College. The porter receives a considerable part of his income from the fees levied on each member

whose entrance he thus reports. The injunction of the Statute is doubtless disregarded from its incompatibility with the greater freedom, it may be added with the later hours, of modern society, and with the different age at which the Students now come to the University. Men cannot be governed like boys; but it would be well that the Statute should be altered, since it cannot be enforced.

BY COLLEGE LECTURES.

The College Lectures, at which attendance is required, with more or less strictness at different Colleges, act also as a restraint on the liberty of the Undergraduates. They take place, as a general rule, between the hours of 9 A.M. and 2 P.M. There are few after that hour; but some zealous Tutors employ a portion of their evenings in superintending the studies and exercises of their pupils. In most Colleges an Undergraduate is expected to attend two Lectures every day; sometimes attendance on one only is required; and sometimes, though very rarely, the number is three. On some one day in the week there are no Lectures in many Colleges; in others, Lectures are intermitted on Festivals and Saints' days. Lectures on the Articles, or the Greek Testament, are in a few Colleges given on Sundays. In one College notes of one of the Sermons preached at St. Mary's are required from the Undergraduates.

BY HALL DINNER.

The officers of every College have the opportunity of ascertaining whether the Students are present at dinner in the Hall, which usually takes place between the hours of 4 P.M. and 6 P.M. Attendance is not rigorously enforced, except on particular occasions, as, for instance, when it is desired to prevent Students from being present at races, or similar amusements, at a distance from Oxford.

Thus the whole time, from two in the afternoon till midnight, is every day left at the disposal of the Undergraduate; and he often has two whole days in the week unoccupied by College duties beyond attendance once in the day at Chapel. Many Students, as we have seen, live in the town in lodgings of their own selection, to which they may return as late as they please; and they may even pass the night away from their lodgings, with little risk of detection.

UNIVERSITY PUNISHMENTS.

Having pointed out the restrictions to which Undergraduates are subjected, we may now notice the punishments by which such restrictions are enforced. On the part of the University these are: 1. Literary impositions. 2. Fines. 3. Confinement to the walls of the College. 4. Rustication. 5. Expulsion. The two first of these are usually inflicted for some breach of discipline, in cases which imply no breach of morality, as, for instance, appearing without the academical dress on public occasions or at night, or for infringing the Statute *de vehiculis*; the third and fourth for gambling, or being found in circumstances implying vice; the fifth, which is very rare, for aggravated cases of immorality, and for such breaches of faith as would endanger a system of discipline which is necessarily dependent on the integrity and honourable conduct of the younger members of the University in dealing with their superiors.

COLLEGE PUNISHMENTS.

On the part of the Colleges, the punishments are much of the same kind: the first and second being used for trivial offences; the third and fourth for the same class of offences as those just indicated in the case of the University, and also sometimes for inveterate idleness; the fifth being very rare, and involving expulsion from the University, as well as from the College.

To these must be added, admonitions before the Head and Fellows of the College, and two kinds of removal, short of expulsion. These are known by the names of "Liceat migrare" and "Bene discessit," which are the first words of the Latin forms, in which members of one Society received permission to transfer themselves to another. The "Liceat migrare" is given in cases sufficiently serious to warrant the delinquent's exclusion from his College, but not from the University. A Student so removed can migrate either to another University or (after the expiration of one year) to any Society in Oxford which may be willing to admit him. The "Bene discessit" is granted in less grave cases; usually when the Student has failed to pass his public examinations within a given time. He may in that case be immediately admitted elsewhere. One Hall in Oxford generally receives Students of the latter class; another admits those of the former class also. These Halls being more expensive than the Colleges, the punishment, in such cases, besides the loss of position which follows it, becomes in effect also a pecuniary penalty.

EFFECTS OF THE COLLEGIATE LIFE.

These are the actual punishments. Some others which are enjoined in the Statutes are obsolete, and are suited only to a different state of society.

ITS ADVANTAGES.

It is obvious that, from the mode of life engendered in a society such as the Collegiate system implies, some of the chief characteristics of the education of the University must proceed. The Student is enabled to enjoy a considerable amount of independence, limited though it be by such restraints as are imposed by living in common with his equals, and by the control, more or less strict, of his superiors. Opportunities are afforded for social intercourse of a more intimate and genial character than would be found in a system of solitary study. By the combination of instruction and discipline in the hands of the College authorities, the points of contact between Teachers and Pupils are multiplied. The bond formed thus early between the various Members of a College is one far stronger and more lasting than is found to exist in academical bodies not composed of Collegiate societies. Even the most thoughtless Student is often found to take an interest in the credit and welfare of his College, though he may remain indifferent to the credit and welfare of the University.

ITS EVILS.

On the other hand it must not be overlooked, especially in comparing the present Collegiate system with other modes of supervision to which we shall presently advert, that these advantages cannot be secured without counterbalancing evils. The amount of individual freedom which we have described necessarily opens great facilities for idleness, extravagance, and dissipation. The easy intercourse of College life is apt to degenerate into lounging and indolent habits, and from these the transition is sometimes rapid to gambling and vice. Experience proves that it is very difficult for the College authorities to obtain the confidence of their Pupils, and without this their influence must be slight. The close bond which unites the Members of each College together, though in itself one of the most pleasing features of academical life, has often led to a culpable disregard of the higher duty which they owe to the University; and has often given to a College the appearance of a combination to promote private interests, rather than that of a Society founded for public purposes, and forming part of a great National Institution. The preference of fellow-collegians to all others in University elections is, in some cases, even enjoined in College Statutes.

See Statutes of Jesus College, c. 27.

On these more general results of the Collegiate system we do not, however, propose to enlarge. We confine ourselves to its effect on academical Discipline. It will of course be understood that the influence which it exercises in this respect is often of a nature too indefinite to admit of a precise description, or to be fairly represented by an account, however minute, of the rules by which it is enforced. Nor, again, must it be overlooked that the effects of the system vary widely, according to the mode in which it is administered in the several societies of which the academical body is composed. The difference between the habits of Students, and the temptations to which they are exposed, in a strict College and a lax Hall, is almost as great as if the persons, who are placed in circumstances so widely different, belonged to different Universities.

ACTUAL STATE OF ACADEMICAL DISCIPLINE.

It is satisfactory to find, when we compare the discipline, the order, and the morals of the University with what they are reported to have been even within the memory of living men, that a decided reform has taken place. The venerable Mr. Philip Duncan says, "I have resided within the walls of "New College for above 60 years, and have had great satisfaction in wit- "nessing many admirable improvements in discipline, morals, and education "in the University." For some of the gravest charges formerly brought against both the authorities and the students of the University there appears now to be little or no ground. In the account of Oxford, given by Dr. Vicesimus Knox, towards the close of the last century, the Proctors are accused of attending chiefly to "vexatious formalities," and "passing unnoticed," or but slightly correcting, for the sake of appearance, "drunkenness and de- "bauchery;" the Deans of Colleges are said "seldom to choose to incur the "odium of being disciplinarians, and of inspecting, with any peculiar vigi- "lance, the conduct of the juniors;" of being "often very attentive to court "the favour of the young men who are to succeed to Fellowships, and who "may afterwards reward the negligence of the Dean by conferring upon him

Evidence, p. 9.

Knox, on "Liberal Education," c. 43, 45, 46.

"the honourable and profitable office of a Principal." The Fellows of Colleges are said to "employ their attention and time in the pursuit of vulgar "enjoyments, such as the uneducated chiefly delight in—in the bottle and in "the joys of the chase." "In no places of education are young men more "extravagant: in none do they catch the contagion of admiring hounds and "horses to so violent a degree; in none do they more effectually shake off "the fine sensibilities of shame, and learn to glory in debauchery; in none "do they learn more extravagantly to dissipate their fortunes; in none do "they earlier acquire a contempt for their parents; in none do they learn so "much to ridicule all that is serious and sacred; in none do they run greater "danger of ruining their health, fortune, character and peace of mind; in "none can they be less soberly brought up to the sacred function, or to any "other useful or honourable employment. Much of the corruption of morals "and unbelief of religion, which is now visible throughout the nation, is "derived from the ignorance, carelessness, and vice of Clergymen trained in "the Universities of England. . . . . If the most unbounded libertinism of "sentiment and practice is a qualification for a Senator, then let him be "educated in an English University as now constituted." This description, running as it does so completely counter to the eulogy pronounced by Dr. Johnson on the Oxford College system, was probably too strong even for that time. But Johnson could see no defect in what he loved; and language like that of Dr. Knox could hardly have been used without some ground.

Boswell's Life of Johnson, vol. ii., p. 53.

In all the points here mentioned the University and the Colleges have, under the influence of the general improvement of society, made a great advance. The grosser exhibitions of vice, such as drunkenness and riot, have, in Oxford, as in the higher classes generally, become rare. The intercourse of the Undergraduates with their Tutors has, in many cases, become more confidential and more frequent. The influence of the senior on the junior part of the University has increased, and is, for the most part, exercised for good. Greater attention is given to theological instruction; greater reverence is observed in the performance of Divine service. A religious Student is not now an object of persecution or scorn, but, as a general rule, of respect and confidence.

There still remains, however, much to be done towards the attainment of such excellence in Discipline as may be fairly expected; and the improvement which we have noticed in the University, and in the better Colleges especially, may warrant a hope that the amelioration will be progressive, and that all the parts of the system may be raised more nearly to the same level.

EXISTING EVILS.

Of existing evils the most obvious are sensual vice, gambling in its various forms, and extravagant expenditure.

VICE.

Little can be done by direct enactments to restrain the two first of these evils. External decency, on the whole, is well preserved in the town of Oxford. The amount of temptation to the unwary, however, is such as might, by increased vigilance on the part of the Proctors, be still considerably reduced. But in the villages round Oxford, and in places still more remote from the Proctors' jurisdiction, the opportunities to vice are too abundant. The Metropolis itself is not beyond the reach of ill-disposed or weak young men, who, as we have shown, may often have the whole day at their command.

Evidence of Mr. Jelf, pp. 182, 183.

GAMBLING.

Gambling is carried on in the University, as elsewhere, in such a manner as to make it extremely difficult of detection. When discovered it is always severely punished. At times, within the last twenty years, it has reached a great height. It is usually introduced into a College by one or two individuals, who bring the practice from without. A fashion thus springs up in the circle of their immediate acquaintance, which, indeed, often dies out when that one generation of Students has passed away, but which is very fatal in the mean time, since, from the nature of the case, it can be discovered only by accident. A system of espionage would be wholly uncongenial to the spirit of the place.

GENERAL EXTRAVAGANCE.

The habit of extravagant expenditure is more widely extended than either of the evils just mentioned. But flagrant instances of misconduct in this respect, such as come before the courts, and raise the indignation of the public, are less frequent than formerly; and a large number of Undergraduates are disposed to practise as strict an economy as their position admits. This is attested by the fact, that nearly one-half of the Students deal for grocery with a tradesman who refuses credit in all cases. But between the

Evidence of—
Mr. Melville, p. 52.
Mr. Jelf, p. 184.
Dr. Macbride, p. 220.

Evidence of Mr. Wilkinson, p. 69.

small class which is guilty of disgraceful extravagance, and the larger body which is prudent, there is still a considerable number of young men who spend far more than they have any right to spend.

Two or three specific forms of extravagance may be mentioned, some of them petty indeed in themselves, but which all help to swell a young man's aggregate expenditure. The power of the authorities may do something towards diminishing these; timely warning and good sense will do more.

Evidence, p. 4.

One such point is alluded to by Professor Browne. "The debts," he observes, "into which Undergraduates are led, by the growing taste for furniture and "decorations, totally unsuitable, are ruinous." This language is strong but the evil to which it points is very serious. We cannot forbear from alluding also to the excessive habit of smoking, which is now prevalent. Tobacconists' bills have, and that not in solitary instances, amounted to 40*l.* a-year. A third cause of expense is the practice of dining at inns, taverns, and clubs, in or about Oxford, a practice which may be checked, as has been proved, under the administration of active Proctors. The Evidence of Mr. Jelf shows at considerable length the great evils hence arising, and the mode in which the practice may be, and has at times been, effectually repressed.

Evidence, pp. 183, 184.

Evidence of—
Mr. Wilkinson, p. 69.
Mr. Jelf, p. 184.
Dr. Macbride, p. 220.

Driving, riding, and hunting are also causes of great expense. The University regulation, which imposes a heavy fine on those who are found driving, unless they have obtained permission from an officer of their College and one of the Proctors, is more or less enforced, and restrains the practice to some extent. Undergraduates are forbidden by Statute to keep horses without the sanction of the Head of their College; a rule which, however, is only partially enforced, and may be easily evaded by the use of hired horses. Of these amusements the most expensive is hunting. It seldom costs less than four guineas a day. Some of those who indulge in it are accustomed to it at home, and can afford it; and on this ground, as well as on the supposition that it often takes the place of worse pursuits, it is in several Colleges overlooked or permitted. It is, however, a matter which ought to be under strict control. A moderate indulgence in it has in some cases been found compatible with serious study and academical distinction. But the present license ought to be repressed; and hunting ought at least never to be permitted by the College authorities without the express sanction of parents. In such cases, the temptation held out by the example of those who can afford the amusement to those who cannot, should always be taken into consideration.

FACILITIES FOR INCURRING DEBT.

These are some of the chief forms of extravagance in Oxford. They are attributable in some measure to a want of determination on the part of the authorities, but in a greater measure to the easy credit given by tradesmen to the Students. What a parent allows his son is too often expended in foolish or vicious indulgence, and the youth is enabled to obtain necessaries on trust. It is credit, then, which fosters the worst evils; but credit will be given as long as tradesmen are eager to sell. This is a subject which has often been discussed in the University, and out of it, and the Evidence laid before us contains several suggestions for meeting the evil, though more in the way of palliation than of cure. Many such propositions have been made and rejected after consideration, either from the practical impossibility of carrying them into effect, or because it was thought that if carried into effect they would encourage rather than check the evil.

DIRECT MODES OF PREVENTING DEBT.

It has been suggested to us that ready-money payments should be encouraged or enforced. So far as this is possible, it would, of course, be most desirable. We have already stated that there is a large class of Students who appreciate, and are well disposed to make use of the advantages of the ready-money system. Many, however, still remain, who will not of themselves act prudently; but any attempt to constrain them by sumptuary laws would, we fear, be as ineffectual as such regulations have always been at the University and elsewhere. "An attempt," says Mr. Mansel, "was made in St. John's "College to appoint a body of College tradesmen, with whom every member "was recommended to deal, and who pledged themselves to send in their "accounts twice every year, and if not paid within the ensuing term, to com- "municate with the authorities of the College. The plan did not answer, and "was ultimately discontinued, chiefly because the tradesmen complained that "they lost custom by it." However, by concert between Tutors and parents, credit might be somewhat restricted, and tradesmen might be encouraged to

EXTRAVAGANCE.

Evidence, p. 19.

Evidence of—
Prof. Browne, p. 4.
Mr. Mansel, p. 19.
Mr. Jowett, p. 32.
Mr. Strickland, p. 99.
Mr. Scott, p. 110.
Prof. Wall, p. 146.

send in their bills soon after the debt was incurred, and at regular periods. The benefits to be derived from such a course are strongly insisted upon by many who have offered opinions on this head.

Some go so far as to recommend that the Legislature should interfere in this matter by very stringent provisions. It is suggested, for instance, that an Act should be passed, declaring "that no Bill whatever should be recovered "from an Undergraduate;" that "no credit should be given to an Under- "graduate by any tradesmen at the University;" that if tradesmen failed to send in their bills to Undergraduates at specified times, "the debt should be "afterwards made irrecoverable;" that "all persons *in statu pupillari* at the "University, or until a certain standing there, should be considered in law as "infants."

Evidence of—
Prof. Walker, p. 22.
Mr. Grove, p. 28.
Mr. Jowett, p. 32.
Mr. Scott, p. 111.
Mr. Jelf, p. 181.

It is, perhaps, too much to expect that the Legislature will enact that a Student, who may be several years past twenty-one, who may be a member of either House of Parliament, and who may be (at that very time) purchasing whole estates in other parts of the kingdom, should be made incapable of contracting a simple debt while at Oxford, because there he is in a state of pupillage.

Evidence of—
Mr. Eaton, p. 204.
Mr. Foulkes, p. 222.

We think, however, that the law might with advantage provide that no debt whatever shall be recoverable which has been contracted by a Minor *in statu pupillari*, unless the bills shall have been sent to the young man in the same Term in which the articles were supplied, and unless, in case of non-payment, a second bill shall have been sent to his Tutor within a given time after the delivery of the first; the suit to be commenced within six months of the date of the earliest item in the bill. We would have all debts whatever included, because the provision, which leaves juries—juries, perhaps, of tradesmen—to distinguish between what are necessaries and what are not, renders the present law almost nugatory.

Such an enactment might stop some foolish youths in the career of extravagance. But there is a great concurrence of Evidence to support the opinion that direct interference, whether by the Imperial Legislature or by University Statute, will, after all, be of little avail. As the case stands, only a small portion of the debts which extravagant young men incur can even now be recovered by process of law. The creditor knows this; yet he trusts to the honour of the youth, and he is not often a loser. So it will be in the face of all Acts of Parliament. Besides, it must be remembered that the most ruinous debts are not due to fair tradesmen. An infamous race has arisen, whose business it is to advance money to young men at ruinous rates of discount, and who try to evade danger by expedients which recal some of the most ludicrous scenes of a great French dramatist. It is within the knowledge of one of our own body, that a young man accepted bills to the amount of 425*l.*, and received only 20*l.* in cash. This sum of 20*l.* was the alleged proceeds of the sale of beds, pigs of iron, and other goods, to one confederate, which same articles the unhappy youth had purchased for the sum of 425*l.* from the other confederate. Against such persons no law will avail.

Evidence of—
Prof. Browne, p. 4.
Mr. Mansel, p. 19.
Mr. Jowett, p. 32.
Mr. Wilkinson, p. 69.
Sir C. Lyell, p. 119.
Prof. Wall, p. 146.

Our opinion, then, is that direct interference will do comparatively little to prevent debt; and in this opinion we are supported by the Report of the Committee of Heads of Houses in 1846. "As to expenses without the walls "of Colleges, they must depend for the most part upon the prudence and "principle of the Students themselves, and upon the efficient co-operation of "their parents with the endeavours of the College authorities. The subject "has frequently engaged the serious attention of the authorities of the Uni- "versity. There are existing and effective regulations against expense; others "have from time to time been devised, and abandoned as ineffectual. If the "Student will combine with the tradesman to evade the sumptuary laws of "the University or the College, he will frequently succeed and escape "detection; and additional impediments have been opposed of late to the "University laws affecting the tradesmen of the place by the rapidity of "communication with the metropolis."

INDIRECT MODES.

Appendix E., p. 56.

There are, however, various indirect means of control, which seem to us capable of effecting much good.

As Mr. Grove suggests, it might be made known, as the wish of the University, that parents and guardians should avail themselves of the present legal means of resisting claims for other than necessaries, or (it may be added, in

Evidence, p. 28.

INFLUENCE OF THE UNIVERSITY AUTHORITIES.

case the law should be extended) any claims where the tradesman has not duly sent in his bill as required. On its being publicly known, that such was the wish of the University authorities, less delicacy would be felt in pleading or countenancing the plea of infancy to actions brought for improper debts; and a check would thus be put on the encouragement given to extravagance by fraudulent tradesmen.

ARRANGEMENTS TO SUPPLY REASONABLE WANTS OF STUDENTS.

Evidence, p. 159.
Compare also the Evidence of—
Prof. Browne, p. 4.
Mr. Jelf, p. 180.
Mr. Eaton, p. 204.

The Colleges may also do much to diminish temptation to expense by themselves providing for all the average and reasonable wants of their members. "All possible facilities," says Sir Edmund Head, "for satisfying such wants "should be afforded within the walls of the College itself;" and he enters into details to show that a plan of this kind is practicable. The Evidence of the Tutors of Pembroke College shows that such arrangements have been made in that College with satisfactory results.

But it is manifest that extravagance is too closely connected with general habits of idleness and vice to be considered apart from them. We cannot, therefore, refrain from touching, though briefly, on the means of moral influence or restraint which the University possesses, and which can or ought to be brought to bear alike on all matters of academical Discipline.

INFLUENCE OF COLLEGE TUTORS.

Evidence of—
Mr. Pattison, p. 43.
Mr. Wilkinson, p. 69.

The good effect produced by the personal intimacy of Tutors with their pupils has been already noticed. Several portions of our Evidence insist strongly on the importance of such intercourse. The "impassable gulf," which has been described as separating the Authorities and the Undergraduates, should no doubt be filled up. But habits of intimacy and familiarity between elder and younger men, in order to exercise a really beneficial influence, require great judgment on the part of the seniors. The characters of young men must be formed chiefly by intercourse with their contemporaries. Nor indeed is it possible for Tutors to associate with the Undergraduates of a College generally. Still much advantage might be derived from more direct superintendence than is commonly exercised at present; and, if Tutors could from the first come to an understanding with parents, and cause it to be felt by the Students that they were constantly under the eye of men who deserved their respect, and that their mode of life would be made known to those whom they have most reason to love and would most fear to grieve, a great step would be taken towards checking vice and extravagance. But we fear that even these means might too often fail. We learn from Professor Wall, as the result of his own experience, that, if a Tutor ventures to communicate to a parent any suspicion of his son's society, expenses, or habits, "he is pretty sure" to be told, "that the parent "has questioned his son, and feels perfect confidence in his explanation." This mode of influence, however, is a matter so purely personal and private in its nature, that we can only offer general recommendations upon it.

Evidence, p. 144.

THE SUMMARY REMOVAL OF IDLE AND EXTRAVAGANT STUDENTS.

Evidence, p. 106.

Evidence, p. 28.

Evidence, p. 191.

It might be desirable in many cases, as Professor Donkin advises, "that "the Colleges should make more frequent use of their power to remove those "who, after a fair trial, give no ground for hope that their continuance in the "University will be other than hurtful both to themselves and to their fellow "students." This remark is especially applied in other parts of the Evidence to the case of extravagance. "When any such cases," says Mr. Grove, "became known to the College, I would deal severely with the delinquent, "and, in flagrant or repeated instances, rusticate or expel." And Mr. Bonamy Price: "If every Undergraduate were made to understand that expensive "habits were inconsistent with his College life, and would, if persevered in, "lead to his removal, there would soon be a positive change."

Evidence, p. 159.

There is danger, indeed, lest such measures, if rigidly enforced, might defeat their own object. For, as Sir Edmund Head remarks, "It must be remembered too, that if the College authorities are to discourage running in debt by "expelling or rusticating members known to be guilty of such conduct, then "the very weight of the penalty would lend force to the demand of the tradesman, and would cause him to rely on the individual doing all he could to "pay. The threat of exposure to the College would be more effectual than "a suit at law. Great caution, therefore, must be used in applying any means "of this kind." Still there can be no doubt that more might be done in this direction, than has yet been attempted. And, at present, no fair trial can be given to this kind of punishment, because there exists a mode by which its more serious consequences may be escaped.

We have already noticed that Students dismissed from Colleges, either for

neglect of study or offences against morals, are allowed (in the latter case after a year's interval) to migrate to a Hall. Such a Hall (there is at present only one, we believe, that gives unlimited admission to those who have withdrawn from other Societies), is not merely a receptacle of the worst elements in the University—to be deprecated even if at a distance from Oxford—but it becomes a source of mischief to the University from the connexion often kept up between these students and their former associates. It would, doubtless, be hard, by total expulsion from the University, to debar a young man who has misconducted himself from the possibility of retrieving his character; but if such a person be allowed to remain, he ought to be subjected to a stricter discipline than before. "It may be desirable," says Mr. Lake, "that there "should be a *locus pœnitentiæ* among us for young men, whom the stricter "Colleges cannot retain on account of faults, which are not of the worst kind; "but it is surely a great evil that any College or Hall should have even the "character of being a *locus licentiæ*." It is indeed a redeeming feature of such Halls that they have been the means of adding able and accomplished men to the Hebdomadal Board. But under a better system, a fitter position might be found for such men.

Evidence, p. 173.

Compare Evidence of Mr. Jelf, p. 184.

A further evil, of a less grave kind, which is tolerated in few Colleges, but which is almost essential to the existence of such a Hall, is that the members of it are allowed to present themselves for examination again and again. It is said that a Degree has been obtained after a dozen failures. Such cases must be the result either of great incapacity for study or of incorrigible idleness. We think that, for the credit of the University, as well as for the sake of the Candidates themselves, no one should be allowed to present himself for examination after a certain number of failures.

RELIGIOUS SERVICES IN COLLEGES.

The College authorities might also consider how far the directly religious services of the place are so regulated as to promote the spirit of true religion, which ought to be the most powerful means of counteracting vice. We fear that these services are not turned to so much advantage as they might be. The obvious mode of appealing to the moral and religious feelings of the Students, by short practical addresses in the College chapels, has not been so generally adopted as might naturally have been expected, The mischievous practice of forcing the Students to participate in the Holy Communion, though less frequent than formerly, seems not to have been altogether disused. That of making attendance on Divine Service a penalty for College offences has been discontinued to a great extent, since notice was called to it by Lord Stanley in 1834, but it is not entirely abolished. The Aularian Statutes, re-enacted by the University in 1835, impose on the members of Halls the necessity of communicating three times a-year. The practice of using a selection of prayers, rather than the whole morning and evening service, which prevails in Christ Church, Worcester College, and, on some days, in Wadham College, has been followed nowhere else, though it is evidently suitable to the age and character of the Students. The College Statutes furnish no defence of the existing practice, having reference either to Roman Catholic services, which have ceased to be observed, or in other cases enjoining an amount of attendance, which is now nowhere enforced. Authority, if needed, might doubtless be obtained for such a deviation from the Act of Uniformity, as would permit a short form of prayer to be used in College chapels. This permission would be amply justified by the example set in so many of the chapels attached to Episcopal palaces.

FRESH INDUCEMENTS TO STUDY.

Finally, it is important to observe that no permanent good results can be expected from these or any other means, unless a change is effected in the habits and the temper of the Students themselves. Those who are studious at present are, for the most part, moral and frugal. But a large proportion of Students are now unemployed, and require additional incentives to study. Without this there is no effectual security against vice. The University, therefore, applied what we trust will be found a great and real remedy, when, in a recent Statute, it determined that more frequent proofs of diligence should be required from the young men. Extravagance, like other vicious habits, springs from idleness. "To correct these evils," writes Professor Wall, "we must "make study and not amusement the law of the University." "The most "effective mode of preventing idleness," says Sir Charles Lyell, "and thereby "promoting good conduct, is to interest the great body of the Undergraduates "in the Studies of the Universities."

Evidence, p. 146.

Evidence, p. 121.

INFLUENCE OF PARENTS.

But it must be remembered in speaking thus of the tone now too prevalent amongst the Students, that in the matter of extravagance at least, if not of vice generally, no light portion of the blame lies on parents, or perhaps (it might be more justly said) on the state of public feeling. "The real "causes of extravagance," says Professor Walker, "are, the state of society in "general, and the weakness of parents, who wish their sons to be like other "young men." "A different tone of social morality," says Mr. Congreve, "on "the two points of extravagant expense and idleness must prevail both at "Oxford and in the country generally, before there can be any effectual check "to these evils. Among the higher classes of English society public opinion "on these points is very lax. To spend more than their income, to waste their "time, and to be moderately disorderly in conduct, have been and still are "so usual in ordinary English education of the upper classes, that they are "tolerated by a very indulgent treatment in society, treated as privileges of the "rich and easy classes, and only complained of by the great majority of such "classes when they lead to too marked a failure, or to too heavy bills."

Evidence, p. 21.

Evidence, p. 152.

Compare the Evidence of—
Prof. Browne, p. 5.
Mr. Jowett, p. 32.
Prof. Wall, p. 144.

Some parents who are rich but not distinguished by rank, are too often glad to place their sons on a par, as regards expenditure at least, with those of higher birth, or even to give them a larger allowance. Some even of those who are not rich prefer an expensive College, and do not greatly repine at follies committed in aristocratic company.

When the tone of the University shall have been improved by the extension of the range of its Studies, by a more effective system of Examinations, by the offer of more numerous rewards to merit and industry, by the presence of a much larger number of Students taken less exclusively from one portion of society, these influences of home and of fashion will, we trust, have less force, and then the authorities may begin to look more hopefully than they can at present on direct propositions for checking extravagance and folly.

BAD EFFECTS OF ACADEMICAL DISTINCTIONS OF RANK AND WEALTH.

This, perhaps, is the most convenient place to offer some remarks on a subject not unconnected with that of which we have been treating.

NOBLEMEN.

Several of those who have given us evidence lay stress on the bad effect caused by the distinctions of rank and wealth which the University still retains among the Students. Young noblemen wear a distinctive academical dress, take precedence of their academical superiors, are permitted to take Degrees at an earlier period than other Students, and in general are treated in a way that seems to indicate too great a deference to rank in a place of education. The sons of Baronets and Knights are also permitted to graduate earlier. This is a relic of a past state of things, when the different orders of society were much more widely separated than they are at present. Among the Fellows and Tutors of Colleges, whatever may be their birth, their fortune, or their social position out of the University, a perfect equality subsists. This is very beneficial, and among the junior members of the University it might at least be expected that there should be nothing in the institutions of the place to encourage an opposite feeling.

If distinctions of birth, even where they are in some measure warranted by the law of the land, are objectionable in a place of education, those made on the ground of mere wealth are still more objectionable; and the distinction between Gentleman-Commoners, as they are called, and Commoners, rests on no other ground. We are here, however, bound to quote the argument by which Archbishop Whately has defended the existing usage:—

GENTLEMAN-COMMONERS.

Evidence, p. 26.

"I am not for abolishing the distinction (or something amounting to it) "between Commoners and Gentleman-Commoners. If restrictions as to "expense are laid down, such as are suitable to men who can only afford to "spend from 100*l.* to 200*l.* per annum, or even considerably less, it can hardly "be expected that these will be conformed to by men of ten or twenty times "that income. Why should a man not be allowed a valet, or a horse, who "has been always used to such luxuries, and to whom they are not more "extravagant luxuries than shoes and stockings are to his fellow-students? "And if restrictions are laid down, which are in great measure evaded, or their "violation connived at, there is more danger of others being drawn into expensive habits (which they can ill afford, and would fain avoid) if they belong "to the same class which indulges in those habits.

"All sumptuary laws made allowance for differences of expenditure in men "of different classes. Their failure arose from the impossibility of classifying

"property in the whole commonwealth, and of keeping men in the classes laid "down, which in a College may easily be effected.

"If you can afford such and such luxuries, and wish for them, you must "wear a silk gown, and be rated as Gentleman-Commoners. If you decline "this, you must be subject to the restrictions on Commoners."

This argument is, in our opinion, answered by the consideration, that practically the class of Gentleman-Commoners is, as such, liable to the most serious disadvantages, as has been pointed out in various parts of the Evidence. A Gentleman-Commoner is well known to be marked out for every kind of imposition. He is usually courted by the worse amongst his equals: he receives less instruction, and is subjected to a less careful discipline; and thus both the College and the individual suffer from the continuance of the system.

Evidence of—
Prof. Daubeny, p. 16.
Prof. Browne, p. 7.
Mr. Jowett, p. 39.
Mr. Melville p. 55.
Mr. Cox, p. 97.
Mr. Strickland, p. 100.
Mr. Freeman, p. 141.
Prof. Wall, p. 150.
Mr. Congreve, p. 153.

"This class may be regarded, taken collectively," says Professor Daubeny, "as the worst educated portion of the Undergraduates, and at the same time "the one least inclined for study. If the qualification were even that of rank "or station, something might be said in its defence; but it is notoriously only "that of wealth; and if it be alleged in its behalf that its existence tends to "set up a wholesome line of separation between those who can afford to "indulge in expensive luxuries and those who cannot, and thus to diminish "the chance of rivalry between the two, with respect to their habits of living, "it may be replied, that in the largest and more aristocratical Colleges it fails "in effecting this, now that so many wealthy parents are wise enough to enrol "their sons in them merely as Commoners, whilst it might be expected that "if the class of Gentleman-Commoners were abolished there would be then "no inducement for men of fortune to resort elsewhere, excepting it were to "secure the advantage of superior tuition, or more careful discipline; and "hence that the remaining societies would either consist wholly of youths of "moderate means, or that, if they contained an intermixture of young men "of wealth, the latter would consist of such as were studious in their habits, "and disinclined to extravagance."

Evidence, p. 16.

We may add, that parents generally seem to concur in disapproval of the distinction spoken of. Young men of the best families, and of great wealth or expectations, are frequently entered as Commoners. The practice of taking Gentleman-Commoners has been discontinued in several Colleges from a sense of its inexpediency. At Corpus Christi College it has been abolished since the issuing of Your Majesty's Commission.

We must remark, however, that at Worcester College, and at most of the Halls, the Gentleman-Commoners or Fellow-Commoners (as they might here be more fitly named) are a different class of men. They are, for the most part, elderly Students, who, by entering the College under this name, are exempted from regulations which are unnecessary in their case, and which would be irksome. Special exceptions might be made in favour of such persons; but, as regards younger men, we are of opinion that all such distinctions should be abolished as anomalous and prejudicial in an academical body.

UNIVERSITY EXTENSION.

We have before intimated that it was our intention to reserve the important question of University Extension till we should arrive at the portion of our Report relating to Discipline, with which the whole subject is intimately connected.

ACCOMMODATION IN THE EXISTING COLLEGES.

It is sometimes assumed that the principal obstacle in the way of increasing the number of Students in the University, is the limited accommodation in the existing Colleges and Halls. But as long as the present system shall remain unchanged, this will not be found to be the case. It is true, that at present the better Colleges are full to overflowing; but there is, probably, no instance in which a Student has been obliged to seek education elsewhere because he could not find room in some College at Oxford. The accommodation of the University has been considerably increased since the beginning of the present century. During the last thirty years many new buildings have been erected by various Colleges, as by University, Balliol, Exeter, and Pembroke. Magdalen Hall has been rebuilt on a large scale on the site of Hertford College, and accommodation has thus been secured for a great addition to the number of Undergraduates. New Inn Hall also has been built. The Committee of the Hebdomadal Board, in 1846, stated the increase of

Report of Committee of the Hebdomadal Board. Appendix E., p. 56.

rooms thus obtained since 1812 to be one hundred and seventy. Within the past year propositions have been made both in Balliol and Magdalen Colleges for an enlargement of their buildings. Corpus Christi College has, within the same period, for the first time admitted Commoners. Several Colleges are not fully occupied. In 1846 it was stated that the vacant rooms in the University amounted to sixty or seventy. We believe that the number is now considerably greater.

Of the limited class who desire a University education, many are deterred from coming to Oxford by the faults of the present system. If Oxford have lost Students, it has not been because they could not obtain admission into a College, but because they could not obtain admission into a good College. Good tuition, rewards for merit, a high tone of feeling and manners, recommendations which might belong to all Colleges if their foundations were thrown open, would fill them all alike. Till such a reform has been made it is evident that the capabilities of the University are not exhausted. At present the usefulness of most Colleges is greatly impeded by restrictions on the election of Fellows. In some, these restrictions are so narrow as to prevent the possibility of securing good Tutors. In Colleges, where the choice is thus limited, the Fellows, and the Tutors who are taken from their number, are often inferior men. It thus appears that want of accommodation is by no means the chief obstacle in the way of University extension.

COST OF COLLEGIATE EDUCATION.

A more real obstacle is found in the expenses of College life. Under the present system the cost, even the legitimate cost, of a University education, which is an obstacle to many persons even of the same rank of life as the present Students, renders the admission of a much larger class impossible. The discussion, therefore, of the subject of expense must precede any investigation into further modes of University extension.

1. UNIVERSITY FEES.

The amount paid to the University as distinct from the College to which the Student belongs is not great. It varies with the rank of the party, as may be seen by referring to the section of our Report, in which we speak of the Revenues of the University. The ordinary Fees paid at Matriculation, at the several Examinations on taking the Degree of B.A., and in annual payments for University purposes, amount to about 18*l.*

These Fees ought to be rendered uniform for all Students. It is probable that they might be reduced in amount. They should not exceed a fair compensation to the officers actually engaged in the service of the Student, nor be made means of raising money for the general purposes of the University. Such Fees ought to be levied by equitable taxation on its members generally.

2. COLLEGE FEES.

The College Fees at entrance usually amount to a sum between 3*l.* and 4*l.* Besides these, a deposit called "caution money" is required, amounting commonly to 30*l.* It may be regarded as a payment in advance, to secure the College against loss from bad debts. There are also annual dues, which vary in different Colleges, and which we have no means of ascertaining. The Fees to the College at the first Degree usually amount to a sum between 5*l.* and 7*l.* In some Colleges fees are paid at entrance and at graduation to the servants.

3. BOARD AND LODGING.

Of the charges made in the several Colleges and Halls for board and lodging, we cannot speak with such exactness as we could desire. From several of the Colleges we have no information. No two probably include within their "battels," or accounts, precisely the same items. The rates of charge differ considerably in the various Colleges; and not always in proportion to the advantages or the accommodation afforded.

4. TUITION.

For Tuition, about 64*l.* is paid during the University course of 16 terms; an amount which in some Colleges is distributed over three, in others over four years. At Christchurch the amount paid by Commoners is only 12 guineas annually for four years, or 50*l.* 8*s.* for the whole course; but Gentleman-commoners pay 30 guineas per annum, and noblemen 45 guineas. At Balliol, and probably in some other Societies, the tuition money of a commoner is 67*l.* 4*s.*, paid in three years. In St. Edmund Hall the charge during the four years is 50*l.* 8*s.* In those Halls which receive Students from other societies the rate is, we believe, higher, and the dues are levied as long as the party continues to be an Undergraduate, that is, in many cases for a period considerably beyond the fourth year of standing.

Evidence, p. 125.

Evidence, p. 385.

It would seem that the cost of maintaining young men during eighty-four

weeks, which is about the length of residence usually required in Colleges, might be easily ascertained; and that in establishments avowedly not conducted with a view to profit, liable to no losses (since caution money is virtually a payment in advance), generally exempt from parochial rates, distributing their common expenses over many persons, and fluctuating but little in numbers, the wants of Students, even those of the higher classes, might be amply provided for at a low rate.

LOWEST ESTIMATE OF SUM REQUIRED. Evidence, p. 145.

Mr. Wall suggests a plan according to which College bills, in a society with 85 Undergraduates, might be brought within 59*l.* for 26 weeks. This would be about 190*l.* for 84 weeks, or for the whole expense of the Student during his University course. This would not include payments for washing, loss on furniture, entrance fees, groceries, lights, fees to Libraries, or University dues at entrance and graduation. He supposes the Student to live sparingly, and never to mix in society.

Evidence, p. 58.

Mr. Melville, late Principal of Bishop Hatfield's Hall, at Durham, is of opinion that the sum which might adequately meet all expenses of residence is 60*l.* per annum. This estimate supposes the Students to be educated in a Hall for which either rent or interest upon the money expended in its erection is to be paid. Travelling expenses are not included in either of these estimates.

To persons who are not acquainted with the Universities, the smallest of the amounts above named would, perhaps, appear not inadequate; and at any rate such persons would think that the lowest sum (and it is a very low one, as things are) for which the Tutors of Pembroke College inform us that they have known a young man to complete his University career (namely, 300*l.* for all expenses whatever, books excepted), is quite as large a sum as should be required even for Students not called upon to practise strict economy or great self-denial.

It is, however, certain that the whole expenses even of prudent and well conducted Students greatly exceed 300*l.*; nor could they perhaps be generally reduced to anything like the low estimates here given, unless the College authorities took upon themselves the same responsibility, and exercised the same control over the young men and their expenditure as the masters of boarding-schools over their pupils. To most Academics such a change in the habits and character of Oxford would appear very prejudicial.

There is no doubt, however, that the College expenses might, by good management, be reduced below their present rate.

SYSTEM OF COLLEGE ACCOUNTS.

The singular system of College accounts which now exists appears to have originated in times very dissimilar to the present. The foundation Members of the older Colleges were supported by a small weekly or daily allowance, sometimes varying according to their position. The allowances, or "commons," of each person were to be accounted for separately, and with minute accuracy, in the books of the butler. A similar system seems to have been followed in regard to the Boarders or independent Members. Every article consumed, every service received, every one of the common objects to which each person in the College contributes, is made a separate item in the accounts. So much is paid for room rent, in some Colleges so much for the butler, the porter, the cook, the bed-maker; so much for each portion of meat, for each piece of bread, for each ounce of cheese; so much for plates, for knives, for cleaning of plate, for hall fires, the items being various in the several Colleges. From the early origin of this system it has also followed, that, numerous as are the articles specified in each person's account, many things which are indispensable at present, are left to be paid for by the Students, such as the services of the laundress, groceries, lights, and coal, which were little needed, or not needed at all, by our predecessors of a ruder age. Several Colleges have thought it expedient to include some of these latter items in the "battels;" others have made little or no change, and the practice is not uniform in any two. The minute particularity of this system may appear to imply that it is strictly just. It can never be wholly so. It has a tendency to cause the lesser articles to be enormously dear, inasmuch as the smallest charge which can be made for them separately affords far too large a profit on the original cost of the article. It tends also to convert servants into functionaries with vested rights, while in a private family they are removable at pleasure; to perpetuate needless offices; to render charges, originally fixed when prices were high, permanent though

markets have fallen; to introduce countless perquisites little differing from thefts, except in being regular and tolerated. No one but the Student has much interest in desiring economy; and he seldom has either the will or the power to enforce it, while it is the interest of a number of persons to make the charges to which he is subjected as high as possible.

There is a belief prevalent that in some Colleges a large per centage is added to the battels for the benefit of the Fellows. We think it right to call attention to this allegation. At all events it would be well that every College should take the obvious means of refuting injurious representations by a distinct statement given to each Student of the charges to which he is liable, and their application.

DUTY OF REGULATING THE COLLEGE EXPENSES.

In advising a more economical system, we would not wish to sacrifice the great and obvious advantages of the present Collegiate mode of living. The freedom enjoyed seems essential to the development of character, and is an admirable preparation for the full liberty which the young man must sooner or later possess. But it is to be hoped that the College authorities will exert themselves more than is generally the case at present to remove all exorbitant or unintelligible charges; for the benefits of the Collegiate system may be secured at little cost. In the Colleges indeed which are now best conducted, no large reductions may be possible: but it is of great importance that in all Colleges the accounts should be made simple and intelligible, and that the greatest publicity should be given in the College itself, and among parents, to the charges which are sanctioned; and that the officers of the College should be active in watching the proceedings of the domestics, and the expenditure of each young man.

In the Halls which are unendowed larger payments may be with some reason exacted from the Students, and yet it appears from the Evidence that St. Edmund Hall is at present one of the cheapest places of education in Oxford.

It may be thought that while the Universities have what almost amounts to a monopoly of the education of the Clergy, and while the Colleges and Halls have a monopoly of the Students, and are, therefore, tolerably sure of keeping up their numbers, whether they be cheap or dear, well or ill managed, the Authorities are not likely to exercise a very steady or vigilant control over the expenses of Students. Competition would, no doubt, produce great improvements in this as in many other points. But we trust that the Governors of Colleges and Halls will of themselves endeavour to overcome all impediments (and we know that there are many) in the way of cheapening collegiate education, and exert as great vigilance as if they had undertaken to maintain their Students at a fixed price, and were themselves liable to suffer from dishonesty or carelessness. Reforms which it may be difficult or impossible to introduce into a single College, will become easy if all Colleges can be induced to agree upon a uniform system and simultaneous action. This is incumbent upon the Authorities of Colleges, if only because it is alleged to be for the advantage of the Students themselves that they are now compelled to undergo the expenses incidental to connexion with a College or a Hall in order to graduate in the University.

ESTIMATE OF THE ACTUAL COLLEGE EXPENSES.

We have before said that we are not able to lay before Your Majesty an exact account of the sums charged by each College, or of the items included in the bills delivered to the young men. No two Colleges make precisely the same charges, and perhaps no two individuals in the same College pay the same amount. The knowledge, therefore, which we possess ourselves, and even the bills of Undergraduates which have been laid before us, do not enable us to give such information as would be rigorously true of the Colleges in general, or of other individuals whose accounts we have not examined. We must be content with offering an approximation.

We must premise that we have assumed 26 weeks as the ordinary length of an academic year, and 84 weeks as the whole necessary time of residence during the four years which pass between Matriculation and the first Degree.

The following calculations, based on the Evidence, will convey a general notion of the expenses incurred by College Students:—

IN PEMBROKE COLLEGE.

Evidence, p. 377.

In Pembroke College we find that the average College battels, including tuition, washing, coals, and entertainments, besides the ordinary expenses of food, room rent, &c., amount to 271*l.* for the 84 weeks. We add a moderate

allowance for other expenses, including University and College fees, servants, books, groceries, and lights, with loss on furniture, and estimate the whole sum at about 370*l.*, as what ought to be the average cost of a Degree at Pembroke College.

Mr. Temple has given us an account of the expenses of an economical Undergraduate at Balliol; from which we calculate that, with great frugality, a young man at that College may take his Degree for about 370*l.* This includes the items mentioned in the case of Pembroke, though not to the same extent as regards entertainments. The evidence of the Bursars of Balliol shows that the average expenses of that College are much higher than those stated by Mr. Temple. Evidence, pp. 123-125. Evidence, p. 317.

A calculation, based on the evidence of Mr. Conybeare, and including the same items, gives about 360*l.* as a fair estimate of the expenses required from a young man during his academical course at Christ Church. Evidence, p. 339.

In University College, taking the average amount of the Battels, and making the same calculation for other necessary items as in Pembroke, Balliol, and Christ Church, we estimate the average expenses of graduation to be about 430*l.* Evidence, p. 311.

It is to be observed that none of these calculations include caution-money, travelling, clothes, wine, desserts, or amusements.

Mr. Eaton, one of the Tutors of Merton College, states the sum of 150*l.* to be the lowest yearly sum for which he has known an Undergraduate to live in that Society. We understand Mr. Eaton to include in this sum expenses of every kind, such as are excluded in the former calculation. His statement of the average Battels leads us to infer that this is much below the usual cost of living in that College. Evidence, pp. 320, 321.

At St. Edmund Hall, Mr. Hill, the Vice-Principal, informs us that one or two members who have recently graduated, have not exceeded 240*l.* in the amount of their College Bills, during the four years of their residence, inclusive of caution money, admission fees, furniture of rooms, and fees on taking the Degree. Several have defrayed the whole of their academic expenses from matriculation to graduation, comprehending both College bills and private expenses, with the exception of clothes and journeys, for 380*l.* Evidence of St. Edmund Hall, p. 384.

In every College, wine-parties with desserts, are common. Such entertainments are very costly, even where the bounds of moderation are not exceeded. There are also various amusements, of which even the cheapest kinds involve considerable expense.

We have not thought it necessary to describe at length the accounts received from Lincoln, Corpus, Wadham, St. John's, Jesus, Worcester, Magdalen Hall, and St. Alban Hall, which appear in the Evidence. They lead to the same conclusions as the statements which we have made. Evidence, pp. 326, 338, 344, 358, 363, 23, 381, 383.

ACTUAL AVERAGE EXPENSES THROUGHOUT THE UNIVERSITY UNDER THE PRESENT SYSTEM.

On the whole, we believe that a parent, who, after supplying his son with clothes and supporting him at home during the vacations, has paid for him during his University course not more than 600*l.*, and is not called upon to discharge debts at its close, has reason to congratulate himself. Those who allow their sons a private Tutor should add proportionably to their estimate. Private Tutors usually charge 10*l.* a term, or 30*l.* a-year, for three hours a-week; 17*l.* 10*s.* a term, or 50*l.* a-year, for six hours a-week. Private Tutors of high standing expect 20*l.* a term: 30*l.* is usually paid by young men who join a reading party during the long vacation.

Our statements thus far are of course incomplete, as the Colleges could not inform us with accuracy of the amount expended by the Students over and above their "battels." It will be useful, therefore, to add the items of actual expenditure furnished by two young men both of high character but of different habits, who had kept careful accounts throughout their whole course.

The first is a member of Pembroke College, who informs us that, with the sum mentioned below, "he managed thoroughly to enjoy himself throughout his academical course, frequently saw and entertained his friends at breakfast parties, went to concerts occasionally, but never boated or cricketed." He did not give regular wine parties, but from time to time saw a few friends after dinner.

"This table," he says, "contains the entire expenses from Matriculation to taking the Degree of B.A.; many of them being, of course, quite unconnected with the University, and including, under the head of 'miscellanea:'"—

" Travelling expenses.
" Books (amounting to about 11*l.* or 12*l.* per annum).
" Clothes.
" Medical attendance (in one year alone, 7*l.* 10*s.*)
" All personal expenditure in the vacations, exclusive of board and " lodging only, (as the young man then lived with his parents.)

" It will be seen, also, that the expenses of the first year are about double " those of the second and third years, inconsequence of the necessary charges for " caution money, Matriculation dues, furniture, plate, linen, &c.

		£.	*s.*	*d.*
" 1848, Feb. 23.	Caution money	30	0	0
	" University and College fees (Matriculation)	5	12	0
" Oct. 10.	Expenses before residence (including wine, " linen, plate, &c.)	24	6	1
" Oct. 16.	Battels for three Grace Terms	20	7	0
	" Furniture	31	8	6
	" Miscellaneous expenses (including china, " glass, and everything necessary for the " use of the scout)	48	12	0
" 1849, Jan. 23.	Battels	17	17	2
	" Miscellanea	13	6	3
" Apr. 23.	Battels	18	7	8
	" Miscellanea	4	18	9
" June 11.	Battels	13	12	0
	" Miscellanea	10	10	7
" Oct. 17.	Battels	17	5	7
	" Miscellanea	9	1	0
" 1850, Jan. 23.	Battels	19	0	8
	" Miscellanea	11	9	5½
" Apr. 16.	Battels	18	15	10
	" Miscellanea	6	17	7½
" June 6.	Battels	13	18	11
	" Miscellanea	17	7	8½
" Oct. 16.	Battels	13	15	8
	" Miscellanea	16	0	2
" 1851, Jan. 30.	Battels	20	0	8
	" Miscellanea	11	8	1
" May 13.	Battels	16	12	6
	" Miscellanea	3	7	0½
" June 21.	Battels	13	18	8
	" Miscellanea	19	17	6
" Nov. 13.	Battels	16	2	11
	" Battels for fourth Grace Term	7	5	6
	" University and College fees for B.A. " Degree	13	7	6
		£504	11	0
" Deduct proceeds of sale of furniture	£21 10 0			
" Caution money	30 0 0			
		51	10	0
		£453	1	0 "

Evidence, p. 23.

The second account is from Mr. Collis, of Worcester College, who states that his expenses began in June, 1834, when he was matriculated, and ended in October, 1838, when he took his Degree. The sum total, including entertainments, Private Tutor, travelling, and all other expenses, amounts to 725*l.* 2*s.* 7*d.* " This," he says, " is a low sum for Oxford; I should say the usual cost of a " Degree is 800*l.* at least; to very many it is as much as 1000*l.*" In comparing these expenses with the sum required at Hatfield Hall, Durham, Mr. Collis makes the following important remarks: " One great feature at " Hatfield Hall is the *reality of every item*, and another that there is no large " sum (so serious a burden to many a poor clergyman) to be paid at first for

" furniture and Grace Terms. At Hatfield Hall, a certain sum is paid per " Term for rooms ready furnished, and there is value for every pound charged. " At Oxford there is an apparent injustice (which is a constant topic of remark " among Undergraduates) in charging University fees, room rent, and tuition " for four years, whereas only three years' residence is insisted on. The large " sum required on first commencing residence at Oxford often swallows up the " whole of a man's ready money, and almost necessitates the credit system. " This, added to the utter inexperience of many in the value and responsibility " of money (a point in education too often wholly neglected by parents) will " account for many an unfortunate man's ruin."

We have referred throughout to the expenses of Commoners. The usual annual allowance to a Gentleman-Commoner under the present system is very much larger.

A considerable proportion of the Undergraduates derive assistance from Scholarships and Exhibitions. One or more in most Colleges are wholly or partly maintained as Servitors or Bible-Clerks. The calculations above given refer altogether to the case of members independent of Foundations. Of course a parent, in determining the allowance which he shall make to his son, ought to take into account such advantages as Scholars and Exhibitioners enjoy, and diminish it accordingly.

UNIVERSITY EXTENSION.

Having thus stated, so far as we are able, the actual expenses according to the present College system, we now proceed to consider whether the University may not be opened to a much larger and poorer class than that from which the Students are at present almost entirely taken.

With the view of obtaining a full discussion and detailed information on this important subject, we specified in the heads of inquiry submitted to eminent persons connected with the University various modes by which it appeared to us that such extension could be accomplished.

We have received in reply a mass of Evidence, of which the extent sufficiently indicates the interest felt in the matter by Members of the University. And that this interest is not confined to those who have now supplied us with Evidence is clear from the fact that an address was sent to the Hebdomadal Board in 1845 by many noblemen and gentlemen, both lay and clerical, among whom were Lord Sandon, Lord Ashley, Mr. Gladstone, and others of great name, praying them to adopt measures for the admission of a poorer class to the University. Their earnestness was evinced by the readiness which they expressed to furnish pecuniary assistance to such a scheme. Pamphlets to recommend a measure of this kind have also been written by Members of the University, who have declined to answer the questions addressed to them by Your Majesty's Commissioners. From these circumstances it is evident that many members of the University, both resident and non-resident, are deeply impressed with the need of some movement in this direction and are willing to incur the risks and to make the changes which it would involve.

The means for accomplishing this design, suggested by us in our printed paper of questions, were as follows:—

PLANS FOR UNIVERSITY EXTENSION WHICH HAVE BEEN SUGGESTED.

The establishment of new Halls, whether as independent Societies or in connexion with Colleges.

Permission to Undergraduates to lodge in private houses more generally than at present.

Permission to Students to become Members of the University, and to be educated in Oxford, under due superintendence, without subjecting them to the expenses incident to connexion with a College or Hall.

Admission of persons to Professorial Lectures, to whom the Professors should be authorised to grant certificates of attendance without requiring any further connexion with the University.

No other scheme has been proposed to us for increasing the number of Students resident within the University; and each of the first three at least of these schemes has been strongly recommended in some part of the Evidence.

REMOVAL OF PRESENT RESTRICTIONS, SO THAT THE UNIVERSITY MAY ADOPT ANY OR ALL OF THE SUGGESTED PLANS.

We would remark at the outset before discussing these plans in detail, that the first requisite for the adoption of any of them, must be to give to the University, to its Colleges, and to private beneficence, all possible freedom of action. Each plan is strenuously and exclusively supported by able and earnest persons; and it appears to us that it is only by actual experiment that

the University can satisfy itself as to which is the best, and that the simultaneous operation of all so far from preventing, might promote the success of each.

Evidence, p. 43.

On this point Mr. Pattison's remarks appear to us to merit consideration.

"Instead of guessing in the dark at the probable effect of these plans, let us make "the experiment. . . . What is urged is not the creation of any new machinery ". . . . . but that an oppressive restriction should be removed, and the field "thrown open to private enterprize and energy. When free, this will speedily "run into the best channels. Let us leave Halls and Colleges, old and new, "all with unlimited liberty of admission to work together, and trust to the "power of self-adjustment in things, which will bring to the surface the capa-"bilities of the several methods. . . . . It is incumbent indeed on a Uni-"versity to be cautious and deliberate in all its proceedings. But experiments "are not necessarily rash—there are wise ones—there are even wise experi-"ments in legislation which do not answer, and then to desist from them "involves no disgrace. . . . . We in Oxford, are weary of scheming, sug-"gesting, and pamphleteering. Give us leave to be doing something. Untie "our hands and open our gates, and let us at least try if we can attract here, "and can usefully deal with that larger circle of youth whom we are told we "ought to have here. If only a little relaxation is given us, and if then our "numbers do not increase, it will be impossible to avoid ascribing that to the "usual abortiveness of half measures. But, indeed, the utmost that is now "asked for is truly little. The ideal of a national University is that it should "be co-extensive with the nation—it should be the common source of the "whole of the higher (or secondary) instruction for the country; but the "proposed measure would, after all, only go part of the way towards making it "co-extensive with that part of the nation which supports the established "Church. If we can only draft in 500, say 300 students (additional), from a "class whose education has hitherto terminated with the national school or the "commercial academy, the good that would be effected by acting even on this "moderate scale cannot be represented by figures. It would be the beginning "of a system by which the University would strike its roots freely into the "subsoil of society, and draw from it new elements of life, and sustenance of "mental and moral power."

The restrictions on the energies of the University of which Mr. Pattison here complains are, like many others which we have had occasion to mention, imposed by the Laudian Code. By the provisions of that Code no Student can be a Member of the University without being a Member of a College or Hall, in which he is constantly to take his meals, and to lodge at night. No College is permitted to lodge its Members in buildings adjacent to the College unless they be so situated as to have no entrance except through the common gate. Since the days of Laud, two Halls (Gloucester Hall and Hart Hall) have been turned into Colleges. The latter of these has, however, become extinct. No new places of education have since been created; nor is there, so far as appears, any provision in the University Statutes for establishing a new College or Hall without the assistance of the Crown or of the Legislature.

Whatever plan, therefore, be thought worthy of adoption, the first step must be to annul these restrictions of the Laudian Code.

But whilst we advise that free scope should be given to all the plans which have been proposed, we think it well to survey them separately, so as to give some notion of their relative advantages or defects.

I. PLAN FOR FOUNDING AFFILIATED HALLS.

We will first take the plan which recommends the establishment of Halls in connexion with existing Colleges.

We give on this subject the principal portions of the Evidence of two gentlemen who have advocated it.

Evidence, p. 66.

ARGUMENTS OF THE SUPPORTERS OF THIS PLAN.

Mr. Bartholomew Price speaks as follows:—"I would suggest that existing "Colleges should open Halls, wherein Students should reside; that the "Students should be members of the College or Hall, and subject to such disci-"pline and regulations as the Head or Governing Body of the College or Hall "should think fit; and that a Fellow or Tutor of such a College or Hall should "reside in, and superintend, the affiliated Hall; I would leave it to the autho-"rities of the College to devise means for lessening the expense of such Students, "but probably less might be charged for their tuition; a single room in the Hall

"might be allowed to each; there might be a common breakfast-room and "recreation-room for all; all private parties might be forbidden within the "Hall; the Library, Hall, and Chapel of the College, on which it depended, "would suffice for such an institution; and the Students might either dine in "the College Hall at an earlier hour, or have a dinner provided for them in "the common room of their own Hall, whereby, in a great measure, the ex-"pense of a separate institution would be saved; only a porter and servants to "wait in the rooms and clean them would be required. To such Students, on "the College authorities presenting a certificate of poverty, the public Pro-"fessors and Lecturers might charge half-fees, the University might remit fees "at matriculation, and at taking of the Degree; and the Government might "remit the stamp. Judging from the expense at Bishop Hatfield's Hall at "Durham, the several training schools, and from St. Augustine's College at "Canterbury, I conceive that the annual expense of such Students for 26 weeks "might not be more than 30*l.*, assuming, as I do, that well endowed Colleges "should be compelled to provide such institutions out of their superfluous "wealth."

Mr. Temple says:—"If a Hall were erected for forty Students, containing, Evidence p. 12.
"besides offices, one room for each (to serve both as a sitting and a sleeping "room), a common sitting-room to be open at fixed hours (which might also be "the library), two lecture-rooms, six rooms for a Warden, two rooms for a "Sub-Warden, the expenses would stand thus:—

	For each Student. £.	*s.*	*d.*
1. Cost of erection and furniture 15,000*l.*, the interest of which, at 4 per cent., would give 600*l.* per annum, *i. e.*	15	0	0
Repairs and taxes	5	0	0
2. Food, firing, washing, and servants	30	0	0
3. Warden, 450*l.*; Sub-Warden, 250*l.*; (to act as Tutors)	17	10	0
4. Books, Professorial fees, University dues	7	10	0
	£75	0	0

"The second item might be reduced. The experience of public schools "shows that it can be done for even 20*l.*; 30*l.* would allow of a weekly day of "hospitality, on which a given number of Undergraduates might invite their "friends to dinner, with a dessert, in the common sitting-room.

"If easy access were given to the College libraries and to the Bodleian, the "expense of books ought not to be much.

"This estimate amounts to a reduction of 25*l.* out of 100*l.*

"But the real reduction would be very much greater than that; for the im-"possibility of having parties in their own rooms would do away with more "than half the temptations to expense to which the Undergraduates are at "present exposed.

"If the Hall were erected, and the Warden and Sub-Warden partly paid "from some independent source, the expense to each Student would become:

	£.	*s.*	*d.*
Food, firing, washing, and servants	30	0	0
Warden and Sub-Warden	7	10	0
Books, Professorial fees, University dues	7	10	0
	£45	0	0

"Making the total, including clothes and journeys, about 65*l.* or 70*l.* a-year.

"The great objection to this scheme is the cost. But if it be remembered "that the Colleges are eleëmosynary foundations, there would appear to be no "better way of now carrying out the spirit of the founders' intentions than by "requiring the Colleges to erect and maintain such Halls. 'Poor Scholars' "are an evil, because they are placed in a position where their poverty is felt, "and is made to tell with a bad effect on their education. 'Poor Fellows' "are a still greater evil, because poverty is certainly no qualification for the "exercise of authority. But such Halls would relieve poverty without de-"grading it. And after much conversation with men of very different

" opinions, I have been led to believe that to require their erection would meet " with less opposition in Oxford than almost any other measure of reform.

" To cripple the Colleges as places of education would of course be wrong, " and any College which could show to the satisfaction of its Visitor that its " revenues would be reduced by erecting and maintaining such a Hall below " what was necessary to support 10 Fellows might be exempt. The appoint- " ment of the Warden and Sub-Warden might be left in the hands of the " Visitor of the College, the details of the arrangements subject to his control. " There would be no necessity for making all the Halls alike, provided only " that care was taken to treat all the Students most scrupulously as gentlemen. " If it be worth while to educate them at all, it is worth while to give them " that refinement and treat them with that consideration which belongs to the " educated class in society.

" To the establishment of such Halls by the Colleges might be added a " license to any Fellow, with the consent of his College, to open a Hall in " connexion with the College. The details might vary from those suited to the " case of a Tutor having Pupils belonging to the College to board with him, to " such as would belong to an almost independent society. But in every case the " Proctors should have the power to close the Hall at three months' notice, and " the Visitor of the College should be Visitor of the Hall."

We have thought it right to let the advocates of this plan be heard at length before we give any opinion of our own. We now proceed to examine the project which they ably set forth.

EXAMINATION OF THE PLAN FOR AFFILIATED HALLS.

To the plan of increasing the number of Students in Colleges, by permitting Undergraduates to lodge in buildings not having the same entrance as the main fabric, we see no objection. On the contrary, we think it desirable that as many persons as possible should be admitted to the benefit of the education which is imparted in well-conducted Colleges. The diminution of numbers which would take place in the inferior Colleges, which are now filled to a certain extent by the want of accommodation elsewhere, would be beneficial to those Colleges themselves, inasmuch as they might thus be urged to improvement. The chief object, however, of the scheme proposed by the able persons whose evidence we have just given, is not merely to afford increased accommodation in the better Colleges, but to create a class of Students analogous to the Servitors and Battellers of former times, without diminishing the number of profitable boarders from a higher class. Such " poor men's Halls," as they have been called, would probably diminish the attractions of the Colleges, to which they were attached, in the eyes of such persons as now resort to them, if the numbers of the Hall bore any large proportion to those of the College. Wealthy parents are usually averse to the intercourse of their sons with persons in a lower social position. This was the objection which decided the Fellows of a College in Oxford to reject a plan for admitting such Students, which was lately brought before them by their Head; and other Colleges in like manner may be found but little disposed to make the experiment.

Evidence of Mr. Melville, p. 50.

OBJECTIONS TO SUCH FOUNDATIONS:—

1. FROM THE ALTERED STATE OF SOCIETY.

We must observe that the temper of our times is averse to the continuance of such distinctions. Badges of inferiority have gradually disappeared from the University; and Bible Clerks, who, within the memory of many in the University, had in several Colleges mortifying duties to perform, are now placed, as far as the Authorities can place them, nearly on a par with other Students. Even now, however, no one seeks the office of a Bible Clerk who can obtain an open Scholarship; for popular opinion still affixes a stigma, though perhaps a slight one, on such positions; and charity, thus marked, can hardly fail to produce an injurious effect upon the recipient. Yet though the necessities of candidates are taken into account, acquirements and talent are in most Colleges the decisive titles to Bible Clerkships.

The same results might be feared in the case of the " poor Students" of the affiliated Halls. They might, indeed, wear the ordinary gown, and be distinguished from their fellow-students only by being more closely watched, and by the greater plainness of their fare, but their inferiority would not be less real or less felt. They would come into sufficient contact with the present Commoners (thus raised, in fact, into a new kind of " Gentleman-Commoners "), to be daily and hourly reminded of their position, and to receive, it is to be feared, anything but benefit from the intercourse, such as it would be. The Colleges

and the poor Scholars would both be anxious to remove the distinctions which produced annoyance to both.

In this manner the tendencies of the age would assert their force, and these Halls, as has in fact been the case with the Colleges themselves, would cease to be places of education for the poor. They would become mere extensions of the parent society; and in case endowments should be given to the sustentation of their inmates, they would, after a time, be made, like open Scholarships, prizes for competition, and means of purchasing distinctions for the College. The Halls might doubtless produce benefits in this case, but not the benefits expected by their advocates.

2. FROM CERTAIN PRACTICAL DIFFICULTIES.

A grave difficulty in the way of the system of affiliated Halls arises from the necessity of providing distinct buildings. A site near the College itself is indispensable, otherwise the Lectures, the library, the hall, and the kitchen, cannot be common. To provide such a site would for many Colleges be impossible, and for most Colleges very costly. The expense of erecting forty bed-chambers, with apartments for the Governor of the Hall, and rooms for meals and recreation, is estimated by Mr. Temple at 15,000*l.* And, undoubtedly, if the annual expenses of the establishment are to be kept low, they must be distributed over a considerable number of members, and therefore the original outlay must be large. Those Colleges which have much ground at their command, and what Mr. Price calls "superfluous wealth," could alone provide such Halls. This combination of resources probably exists in no College but Magdalen. Some might be disposed to think that it would be found also in Merton, St. John's, Wadham, Worcester, and Christchurch. But few would wish to encroach on the gardens which contribute so much to the enjoyment, the salubrity, and the magnificence of Oxford. And, though the Colleges just mentioned have space enough, they have not, we believe, any pecuniary resources at their disposal. It would be hard, therefore, to compel them to raise by loan, and then to invest in buildings, a capital of 15,000*l.*, which must be reimbursed by a sinking fund of large amount. We presume that no one desires that Colleges should alienate any of their estates for the purpose of carrying out this plan. But, if the numbers of the University should from any cause be as greatly reduced as they have often been, it might become necessary to alienate the estates to repay the loan, and the Halls would perhaps go to ruin.

3. FROM THE NECESSITY OF CONFISCATING COLLEGE REVENUES.

Evidence, p. 127.

To meet this difficulty, Mr. Temple proposes that the number of Fellowships in each College should be reduced to ten, the minimum number which would provide a sufficent staff of instructors and administrators in each Society; and that the proceeds of the suppressed Fellowships should be applied towards the erection and support of the affiliated Halls.

This proposal is justified on the ground that Fellowships, which were originally charitable foundations, are now filled by persons who are certainly not poor and needy. In other words, a compromise is suggested between the provisions of founders and the wants of modern times.

It is not surprising that men zealous in the cause of education, accustomed to see Fellowships bestowed for the most part like prizes in a lottery, and regarded as mere sinecures, should desire to apply the revenues which support them to the execution of a great and useful purpose. And, if these Fellowships must, as long as they exist, be given away by accident, and cannot be made means of rewarding past merit, of securing the future services of able men, or of remunerating actual teachers, any change might well be thought a gain.

Doubtless, Colleges were eleëmosynary foundations, but their sole object was not, like that of an almshouse, to relieve indigence. They were intended no doubt to maintain scholars who were poor; and in an age when learning was regarded as ignoble by the great, and when nearly all but the great were poor, persons willing to enter the University as Students could hardly be found except among the poor. If, in modern days, those who impart or seek education in the Universities are not indigent, it must not be thought, therefore, that the poor have been robbed of their birthright. Rather the Universities, among other agencies, have so raised the condition of society, and mental cultivation is now so differently regarded, that persons intended for the learned professions are at present found only amongst the comparatively wealthy. Such persons, if elected for their merit to Fellowships and Scholar-

ships would most faithfully fulfil the main objects of Founders, namely, the promotion of religion and learning.

We have no wish to encourage "poor scholars" to come to the University merely because they are poor. If we look to the wants of the country and the Church, we must believe that what is needed is not a philanthropic scheme for counterbalancing the inequalities of fortune, but rather enactments which will provide that neither the rich nor the poor, if they have the necessary qualifications, shall be deterred or debarred from following the course in which they can be most useful. What is needed is justice, directed to the removal of every impediment, every unnecessary expense; not charity, designed to produce, under artificial stimulants, a large class of Students without vocation or special aptitude for a learned profession. What is needed is encouragement to merit and industry; so that every promising youth, however poor, shall be able to command assistance to support him in the University. We hope that such encouragement will be amply provided, as it can easily be, and that Colleges will be so regulated as to enable all young men who may have gained a Scholarship to go through the Oxford course with as little expense as would be incurred in affiliated Halls, even according to the estimate of their warmest supporters. We also hope that the measures which we shall recommend will bring the expense of a University education within so moderate a compass, that few or none of those who have received the previous training indispensable for an Academical career will be excluded from its benefits; and that those who are poor, whether they can obtain a Scholarship or not, will find it possible to arrive at a Degree even more cheaply than is contemplated by the supporters of the Halls in question.

Believing, then, that, for the plan just discussed, a large outlay would be required, without a certainty of attaining the object proposed; that endowments would be better applied to stimulate and to assist good Scholars than to maintain "poor Scholars," and that the results aimed at can be attained without any diversion of capital from more useful objects, we cannot recommend the appropriation of the revenues of any College to the erection of affiliated Halls. We cannot recommend that reluctant Colleges should be forced to spend large sums on a scheme which could succeed only through great and continual sacrifices on their part, and which could therefore be carried out only by those who embraced it warmly and almost enthusiastically. We conceive, moreover, that the plan, even if realised to the fullest practicable extent, would of itself be inadequate to the requirements of the case. We repeat, however, that we would have every impediment to its trial removed, and free scope left to the benevolence of Colleges or individuals who might be willing to undertake it.

II. PLAN FOR FOUNDING INDEPENDENT HALLS.

The second scheme is that of Independent Halls. Here also we shall first quote at length the evidence of its chief advocate Mr. David Melville, late Principal of Hatfield Hall, in the University of Durham.

Evidence, p. 58.

"Sixty Pounds per annum has been named as the sum at which all aca-
"demic and domestic charges might be cleared in a Hall established in inde-
"pendence of any existing foundation.

ARGUMENTS IN SUPPORT OF THIS PLAN.

"But it may be well to enter somewhat more into detail, and show how
"such sum may maintain the establishment in all its branches, and, if required,
"make a return for all outlay in its construction. Of course the difficulty
"that seems to meet the starting of new Halls or Colleges, however desirable
"in themselves, is, whence are the funds to come for their erection; and
"whence, if economy is to be observed, the income to pay that erection, if
"made by way of speculation or investment. Now, though it will not do,
"perhaps, to presume capital freely given for such purpose, I cannot but think
"a Hall or College, or more, might easily be raised by such means. When
"we remember the bequests, more than ample for such purpose, left not long
"ago to Queen's College and Magdalen College, in the latter case troublesome
"almost from its conditions and superfluity; when we look also to what is
"occasionally done in the provinces—Birmingham and Manchester especially
"—in this direction; it seems no stretch of faith, but almost a certainty, that
"many persons would gladly come forward to aid in such a work, if only the
"University itself attracted instead of repelled such aid, by the obvious sin-
"cerity of its intention. The body of requisitionists, in 1845, must have

" meant so to support their Memorial. Some of them, with others, proved " they did so mean, by what they subsequently tried to effect, by an attached " Hall, as referred to above.

" I would not, then, exclude the likelihood of saving much of the expense " by voluntary contribution—possibly a whole College might be thus esta- " blished, and put by the contributors in trust under the University. But, " independently of such resources, the direct income itself might, I believe, " under good management, be made available for all demands, and at all " events, perhaps, should be contemplated in any design as necessarily so to " be; the amount by which in any way it was relieved from being so might " be beneficially applied for endowment, temporary benefaction, or reduction " of charge. Assuming that such Halls were constructed to accommodate 60 " members, this, at 60*l.* per annum each, would give an income of 3,600*l.* " Under existing prices—and I do not think we may expect articles of con- " sumption to be much, if at all higher, except under extraordinary circum- " stances—such an establishment can be kept well, paying rates and taxes, " servants' wages, and every expense incident to house-keeping, for 1,600*l.*; I " should say, indeed, 1,500*l.*, but we will take the balance above the 2,000*l.* " then left. A Principal, and a staff of three Assistants or Tutors, and " College officers, might divide 1,000*l.*, the Principal receiving 400*l.*, and " each of the Tutors 200*l.* Though this, of course, is only laid down as an " indication how such an establishment might be worked, its actual experiment " might involve much modification and adaptation. This stipend would " represent more than the same sum in existing Colleges; for the public meals, " which would supply also a table for the officers, would exempt them also " from all domestic charge. As there ought to be no such thing as private " battels, there need be no such thing as separate accounts; all supply of " items and distinct charges to the members themselves is by the plan itself " rendered unnecessary; they can neither spend more nor less than what the " system itself proposes, and so can fairly be charged in the aggregate, heads " or divisions of charge being unmeaning and serving no purpose. I would " then, considering the academic year as divided, for all practical purposes, into " three parts, take 20*l.* from every member for each part, he understanding that " for that sum he was to be fed, lodged, and supplied with such teaching, Pro- " fessorial and Tutorial, as his status and object in the University required. " There would be no difficulty in making such arrangement square with the " relative subdivision of the Head and Officers suggested above, directly there " was an intelligible academic scheme of education, with its involved Profes- " sorial staff, and the College teaching framed and conducted in subservience " to it.

" One thousand pounds of the income would still remain unapplied, and this " would certainly be adequate to paying a good interest on the capital ex- " pended, if not for gradually liquidating that sum after the manner of money " advanced by Queen Anne's bounty. Though it is difficult to fix the exact " sum required, because of the inability to conjecture the value of a site; still " assuming that such is attainable on fair terms, 20,000*l.* would be sufficient " for the raising and equipping such buildings as are requisite to carry out " such work; and for this you have the 1,000*l.* a-year on 5 per cent. to offer. " True, that this return depends absolutely on the success of the undertakng, " and that there is nothing independent of such success to fall back upon, save " the possession of the property—a condition that attends all ventures, and few " with less inherent chance of failure; it is little faith that is demanded, if " only confidence be shown in the undertaking, and that by the University " itself, proportionate to the value of its object."

This scheme of erecting new and independent Halls, to be conducted on the most economical system and under the strictest discipline, has found much favour in the University. The success which has attended Mr. Melville's labours in Hatfield Hall at Durham is regarded as a conclusive argument for imitating that institution in Oxford. Mr. Collis, after stating his belief, as mentioned above, that the usual cost of Graduation at Oxford, under the present system, is 800*l.* at least, goes on to say: " One of my brothers entered Hatfield Hall, " Durham, under Mr. Melville, the first year that it was opened. As he was " a Theological Student, he got his licence, and was ordained within three " years; and from first to last, including all expenses, Academical and per- Evidence, p. 23.

" sonal, he spent but a few pounds over 300*l.* Surely, by adopting the same " system at Oxford, in as many Halls as there might be need of, the same " economy might be insured. Why should a boy of eighteen at school cost " his father but 80*l.* or 90*l.* a-year, and at nineteen his expenses for a less " portion of the year be 180*l.* or 200*l.*? All these difficulties have been over- " come at Hatfield Hall, by the energy and watchfulness of an efficient Head. " Let the same experiment be honestly tried in Oxford and a larger measure " of success may fairly be expected." Other similar establishments elsewhere are also referred to as equally successful. In the Missionary College of Canterbury (St. Augustine's), we are informed that the whole annual College expenses of a Student are covered by 35*l.* Whatever other expenses may be incurred, as for tuition, servants, furniture, warming of the rooms with hot water, or the like, are defrayed by the College.

Before we proceed to make remarks on this plan, we would again repeat that, to this, as to all the other modes suggested for effecting the important object in view, we would have every facility given. But we are compelled to express our opinion that it will not prove of itself adequate to the wants which are to be supplied.

PRACTICAL DIFFICULTIES.

The expense of erecting suitable buildings will be still greater than that of founding affiliated Halls, since libraries, culinary accommodation, dining-rooms, and chapels will be required in addition to the lodgings of the Students. The annual expense of the maintenance of each Student would be considerably larger, as it would be necessary to provide for the adequate support of a Head and for a complete establishment of servants.

Some of the promoters of this scheme rely, like the advocates of affiliated Halls, on external, though not like them on compulsory, assistance. It was at first thought that a sufficient sum for the buildings might be procured by voluntary subscription; but hitherto these expectations have not been realised: we believe that five thousand pounds is the sum total of all that has been promised.

Nor is it probable that an appeal to the country at large for pecuniary assistance in favour of University extension for itself, and on its own merits, however great they may be, would meet with much success. There is a prevalent opinion that the University and its Colleges, are very wealthy; and though it may be urged by many that their resources, those of the Colleges especially, are available only for definite purposes more or less beneficial, but all equally unchangeable, because they are fixed by Statutes and Founders, such considerations have little weight with ordinary minds; and men are unwilling to give to those whom they think rich, and it may be sinecurists, even though it be in behalf of plans of unquestionable utility. The public will be still more reluctant to subscribe if it can be shown that all the valuable ends aimed at can be obtained without any subscription.

DANGER OF PARTY SPIRIT.

Evidence of Mr. Wilkinson, p. 73, of Professor Wall, p. 146.

It is objected to this plan of Independent Halls that such Institutions may be made the means of fostering divisions in the University, since each zealous Theological party which may from time to time arise will seek to concentrate and perpetuate its influence by the establishment of its Hall. It cannot be denied that this objection has some weight. But we by no means think that it is fatal to the scheme. Even if no measures were adopted by the University to guard against the evil referred to, zealous partisans would probably soon learn that they could not secure permanent possession of their own Halls. Experience teaches that institutions of this kind may be in the hands of one party to day, and may, on the morrow, fall into the hands of their adversaries, or of those who have no sympathy with the one or the other. But it would not be difficult to guard against this sort of evil by securing the appointment of fit men as Principals. We are of opinion that the appointment of such Principals should rest with the Chancellor of the University, or perhaps it might with more propriety be vested in the Crown. Due provision ought to be made for the maintenance of these new Heads. Though zealous and able men might at times be ready to undertake such a post without much emolument, it would not be wise for the University to rely on this as a certainty.

SYSTEM OF RIGID DISCIPLINE THAT WOULD BE NECESSARY.

It is expected by the advocates of this plan, that in the new Halls extravagant expenditure might be checked, diligence secured, and morals guarded by a watchful superintendence and a rigid discipline. To some extent these anti-

cipations would probably be justified, and that for some years. But it must be remembered that the discipline must be rigid and the superintendence watchful indeed, which would completely prevent those evils, the possibility of which is inseparable from human liberty; and, that in proportion as this liberty was diminished, the benefits would be lost which Providence has attached to its due exercise. If the Students were strictly confined within walls, compelled to take all their meals in common, kept from free intercourse with each other in private, and thus restrained from the idle habits which such intercourse often produces, we may admit that during the academical six months, they would be comparatively safe from many of the ordinary temptations of Undergraduate life. But it can hardly be supposed that the general result of such a system would be suitable to the character of the English Church, and of the English people. And yet it is doubtful whether any less stringent restraints would offer a complete guarantee.

It must be remembered also that the existing Colleges were founded, in part at least, for similar objects. They also were charitable foundations; they were often founded from motives of devotion, quickened by controversial interests; and they were placed under a strict, almost a monastic rule, which was guarded by solemn oaths. It is precisely because this character has been wholly lost, that new institutions, founded on the original principles of the old, are desired.

Nor have Halls been less liable to change than Colleges. The Principal of Magdalen Hall informs us, that the Aularian statutes, even though revised in 1835 by the University, are now a dead letter. Evidence, p. 380.

Independent Halls would probably in time become what the present Halls are now. Their Heads might be men of high character and station, but they would be compelled to seek their income from the Students themselves, as there would be no endowments. Their Students would enjoy fewer advantages than those of Colleges, and would be required for what they did enjoy to pay more in proportion, if not always more in amount.

Occasionally, as in the case of St. Edmund Hall, a careful administration might keep down the expenses and ensure good discipline. But, like St. Edmund Hall, this might be an exceptional case. Most of the new Halls would probably follow the contrary rule.

We concur therefore in thinking that there is great force in the objections brought against this scheme, in the evidence of Mr. Wall and Mr. Hayward Cox, one of whom still holds and the other has held the office of Vice-Principal in a Hall. We much doubt whether its adoption will be found to offer any guarantee for the permanent reduction of the cost of a University education. Still, if there be any who are anxious to give it a trial, it would be well that they should have free scope to do so. Evidence, pp. 94 146.

III. PLAN FOR LODGINGS IN CONNEXION WITH COLLEGES.

The third plan to which we have invited attention is that of allowing Students connected, in other respects, as they are now, with Colleges, to reside in lodgings. This might be done in various ways, either by an indiscriminate permission given to Undergraduates, as at Cambridge; or by a dispensation to those on whose character the College could place reliance; or by diminishing the number of terms during which residence in College is now required. We have before stated that some of the Colleges most frequented do even now by this means increase the number of their Undergraduates to some extent, though in violation of the spirit, if not of the letter, of the Statutes.

Dr. Twiss and Mr. Pattison are the chief advocates of this plan, and we therefore state its advantages in their words:—"[This plan] appears to me," says Mr. Pattison, "to be the mode which would most readily and easily be "adapted to our present position and needs, giving a large amount of relief "without organic change. Its effect, however, at first would probably be, not "so much to extend the benefits of the University to a larger number of "Students, as to distribute the existing number differently between the Col-"leges. If the restriction exacting *victum et cubile* for sixteen terms were "removed, many Colleges would admit almost immediately double the number "of Students, who would be withdrawn from the supply, partly of Cambridge, "partly of the other Colleges in Oxford. If without entirely abolishing the "obligation to residence [*i. e.*, within the College walls], eight Terms only, "instead of twelve, were to be exacted, it would enable us to increase our "numbers by one-third, and so do something towards introducing the prin- Evidence, p. 42.

ARGUMENTS OF THE SUPPORTERS OF THIS PLAN.

" ciple of competition, and give schools and parents a freer choice of Colleges " than they now possess. If it be true that expensive habits and indiscipline " would always be attractions to a certain class of Students, it would still be " the effect of this regulation that the difference between the lax and the " regular Colleges would be broadly marked, and no Student would be " driven, as many now are, to enter at a College which was not suited for him, " only because he had not applied elsewhere early enough. This very simple " amendment of the present statute, which should substitute eight terms for " twelve, or what would be better, six terms of nine weeks each (the present " four grace terms being abolished of course), would thus, without any change " in the system, do something towards giving us elbow-room. It would not " affect the position of the Student, who, as it is, not unfrequently for two or " three terms comes in to sleep, but lives out, rendering a nominal compliance " with the letter of the statute."

Evidence, p. 156.

" By the existing Statutes of the University," says Dr. Twiss, " Students are " required to be of sixteen terms' standing before they can take a Bachelor of " Arts Degree—and to have kept twelve terms of residence out of the sixteen " terms. Twelve terms of residence are as little as can well be required, being " equivalent to three years of study. But there is a further regulation, that " every Student must keep 'board and bed' within the walls of a College or " Hall during twelve terms of residence, or until he is of sixteen terms' standing. " The result of this regulation is, that the Colleges cannot extend the services " of their staff of Tutors, &c., to more Students than they can accommodate " within their walls consistently with the provisions just specified. It is a great " advantage to the Students to be subject to the restraint of College walls for " the first period of their residence; but it may be open to question whether " the period of twelve terms might not be reduced to ten or eight terms, after " which the Students might, with the permission of the Head of their College, " lodge in private houses. Such a change of regulation would extend the " benefits of the Collegiate establishments in the proportion of one-sixth or " one-third—so that if the Students at present amount to 1,200, the existing " staff of Tutors, &c., might become available for 1,400 or 1,600 Students, " without any expense of new buildings, &c."

EXAMINATION OF THE ARGUMENTS.

The advantages which would thus be gained by enlarging at once the accommodation of the Colleges most frequented, would be obtained without any outlay of capital, any new machinery, any alteration in the existing course of study. The system is already acted upon extensively in the sister University. But this proposal is met by objections, which, perhaps, may be more advantageously considered in connexion with the next plan proposed. It is enough to state here that we do not consider those objections insurmountable, and therefore recommend this coördinately with the other means of University extension which we have specified. We believe, with Mr. Pattison, that by creating a salutary competition it would speedily empty those Colleges which are bad, and probably lead them to bold reforms. Some of them, if deserted by the Students of the class which now resorts to Oxford, might, even on the ground of interest, be induced to fill their rooms with poor scholars at a very reduced rate as regards the fixed charges, and under such arrangements as would insure economy. Thus the University might be indirectly opened to a new class of Students.

But the permission to Undergraduates to lodge in private houses does not of necessity diminish—it may increase—the expenses of such Students, so long as they are still Members of a College or Hall. The rent of lodgings, such as the young men at present require, is, in many cases, greater than that of rooms in College. The larger portion of a thoughtless Student's expenditure, that, namely, which arises from his intercourse with society, would be incurred by Collegians in lodgings, not less than by Collegians in College. They would take their habits with them wherever they resided.

IV. PLAN FOR LODGINGS UNDER DUE SUPERINTENDENCE UNCONNECTED WITH COLLEGES.

Feeling satisfied that no one of the three plans just discussed, nor all of them conjointly, would sufficiently effect the object in view, we turn to a fourth, namely, that Students should be permitted to become members of the University under due superintendence, but without incurring the expenses incident to connexion with a College or Hall. This plan has been strongly objected to by many of those who have given us evidence, but it has been as strongly supported by several distinguished persons.

In proposing this plan we are aware that we are recommending what will appear to many a dangerous change in the system of Oxford. Yet independently of the peculiar advantages which it offers for the admission of those poorer classes whose case we are now especially considering, it has some claims which ought to go far towards conciliating support.

ADVANTAGES OF THIS PLAN.

The absorption of the University by the Colleges has been often brought before us in the Evidence, and has been already noticed in previous parts of our Report. Great as are the advantages which the Colleges have conferred on the University, we cannot doubt that both the one and the other have suffered from the extent to which their amalgamation has been carried; and that the restoration of the University to its proper superiority would, independently of all other considerations, be a great benefit. The monopoly of teaching by the Colleges has gone far to extinguish the Professorial system in Oxford, and, consequently, to impair, if not to destroy, the character of the University as a seat of learning. The absence of competition has encouraged the apathy which has rendered some of the most powerful and wealthy of the Colleges the least useful. The strong College feeling engendered by the present system has superinduced a neglect, we might almost say an unconsciousness, of the claims of the University on the affections and exertions of its Members, such as could hardly have existed had there been a body of men attached to the University, but unconnected with the Colleges. For these and other reasons we feel it to be a matter of great importance to raise up by the side of the Colleges an independent body, which will bear witness to the distinct existence of the University, and excite the Colleges to greater exertion.

RESTORATION OF THE UNIVERSITY, WHICH HAS BEEN ABSORBED IN THE COLLEGES.

And for the sake of this we should think it worth while to recommend (even if we despaired of effecting a greater change), that Graduates should retain their University franchise, though they did not retain their connexion with a College; and that those who enter the University late in life should not be obliged to become Members of a College or Hall. Such a relaxation would not be liable to the objections offered to the admission of young "University Students," as we may call the class of which we are now speaking.

But the proposed plan has also the great advantage of virtually embracing the most feasible and useful parts of the various schemes already suggested. We have shown the grave difficulty, arising from the necessity of expending at once a large sum of money, which stands in the way of the establishment of regular Halls, whether affiliated or independent; but these objections do not apply to the occupation of private houses, by Colleges or individuals, for the purpose of receiving Students. In such cases no outlay of capital would be required, or, if houses must be built, they would be built by speculators on commercial principles; and with them the whole risk would lie. This plan would admit of indefinite extension without loss of time, and of as rapid contraction. Its permanency would depend not on the benevolence or zeal of individuals or societies, which might be transient, but on the interest both of parents and of students. It would enable the latter to obtain instruction from the eminent men, who may be induced by the measures we shall hereafter suggest to become Professors resident in Oxford. They would not, as is now often the case, be restricted to such assistance as the College Tutors give, whether great or little; nor would they be obliged to incur the heavy expense of a Private Tutor, in cases where more able and careful instruction may be required.

COMBINATION OF THE ADVANTAGES OF THE PLANS PREVIOUSLY DISCUSSED.

Permission is now freely granted to Students (though only to those who are members of a College or Hall) to reside with their parents in Oxford. There can be no valid objection to the extension of this permission to those whose friends, being unable to fix their abode in Oxford, might desire to place them under the care of a Private Tutor, because they consider such an education as preferable to that obtained in the mixed society and the independence of a College. "This domestic superintendence," as Mr. Wilkinson observes, "would not be cheaper than residence in College; but the discipline would be "more effective, because more kindly: there would also be the resources of "amiable society in vacant hours (a great safeguard against dissipation) and all "the moral influences of a home." The case of boys at a public school residing with Private Tutors is analogous; and, as Mr. Jowett remarks, "Such a permission would be of especial advantage to noblemen and to gentlemen of large "fortune, who form, or ought to form, the class of Gentleman-Commoners, and "would obviate many of the evils which now beset their University course.

OPPORTUNITIES THEREBY AFFORDED FOR DOMESTIC SUPERINTENDENCE.

Evidence, p. 74.

Evidence, p. 33.

" Some of the most distinguished Professors would, probably, be willing to re-
" ceive Pupils of wealth and station into their houses, and would offer the same
" opportunities as those of which in the last generation several eminent persons
" availed themselves at Edinburgh." It is in this manner that in foreign Universities Students of the highest rank are usually educated.

But the strongest reason, by far, for allowing Students to become Members of the University, without becoming members of a College or Hall, is, that by this means alone could a University education be made accessible to a class much poorer than that which at present resorts to Oxford.

We must, however, before discussing this question in detail, reiterate that, even irrespectively of the benefits to be conferred on these classes themselves, there is a preliminary argument in favour of their admission into the University which must not be left unnoticed. We are well aware that objections have been brought against an indiscriminate admission of other Classes than those which now frequent the University, on the ground that the influx of these new comers might perhaps tend to impair the high tone of feeling which is supposed at present to characterize Oxford. It might perhaps be urged in answer, that the entrance of poorer Students by the means we propose would not produce any effect on the general character of the University. But we may hope that, if their presence made itself felt, it would tend to introduce among the Students generally quieter and more frugal habits, and to discourage those extravagant ways of thinking and living, which now deter many parents from sending their sons to Oxford at all.

ADVANTAGES OF SUCH ADMISSION TO THE PRESENT CLASS OF STUDENTS.

Compare Evidence of Mr. Wilkinson, p. 76.

The statement of Sir Charles Lyell, though made with reference to the admission of a higher class than that of which we are now speaking, applies almost equally to any large admixture of new elements in the social life of the University.

Evidence, p. 121.

" I speak," he says, " from personal experience of what has happened
" within the circle of my own friends and acquaintances, when I affirm,
" that parents possessing ample pecuniary means are often deterred from
" sending their sons to Oxford by a well-grounded apprehension, that after
" a residence of a few years, they will contract from the social atmosphere
" of the place, notions incompatible with the line of life to which they are
" destined, although that professional line may be one peculiarly demanding a
" liberal education. They wish, for example, to bring them up as attornies,
" publishers, engineers, surgeons, or as merchants in some established house,
" and naturally turn their thoughts to Oxford as a safe and good training
" place, till they are warned by those who know the working of the system,
" that the youth, however well satisfied with the honourable calling proposed
" for him (which, perhaps, he has chosen himself), will discover at the end of
" a few Terms, that such occupations are vulgar and beneath his dignity. How
" much vulgarity of feeling and want of true independence of mind may lie
" at the bottom of such fine notions, it is superfluous to inquire here. The
" remedy is, I think, as obvious as the cause;—a large accession to Oxford of
" the representatives of the professions alluded to, would make such class-
" prejudices disappear at once, without the accompaniment of an evil so much
" dreaded by many advocates of the state of things as they are, namely, a
" diminished attendance of men of rank and fortune."

Evidence, p. 212.

The whole question is well argued by Mr. Clough:—" Will it be said that
" in a country like ours the term 'upper classes' has an ampler significance;
" and the expression 'liberal' or 'higher professions' should be construed to
" include, not only barristers, physicians, and clergymen, but solicitors, general
" practitioners, merchants, manufacturers; and that it is very desirable that the
" benefits of a liberal education should be extended at least to include these?
" Perhaps so. But first of all, is it certain that such an indiscriminate admission
" would not destroy the subtle superiority which it is the object to com-
" municate? Do we not run the risk of debasing and vulgarising the very
" means we wish to use for elevating and purifying? Secondly, even supposing
" people of this kind can afford to come, or supposing you reduce expenses to
" let them come, is it yet quite certain that, even so, they will come, or can
" come? that they want to come, wish to come, or have time to come?

" At University College, London, the usual period of stay is from 16 to 19
" years of age; the number of Students in Arts a little less than 200. Many
" of them become barristers, many solicitors; some go into mercantile business;
" some, after one or two, or perhaps three years study of Arts, pass over to

"Medicine; a very few go to Cambridge. Does not this mark the maximum "of College education which parents of the classes in question are inclined to "allow their children? Would it be well to have Oxford and Cambridge "crowded with boys of 16? Would they not be better at good schools? and "can it be hoped that these ciphers, 16 to 19, will be altered? For the young "solicitor must, I am informed, be articled for five years; five years is the "common apprenticeship in the merchant's office. And, furthermore, parents "who design their boys for these walks of life, have, I believe, (fathers at any "rate,) a strong persuasion that it is *in itself* undesirable for them to wait "beyond 19 before they set to work. Merchants think 15 not at all too early. "And with this is conjoined an equally strong feeling that at the old Univer- "sities they will learn little that will do them any good in their after-occupa- "tions, and are pretty sure to pick up very unbusiness-like habits, tastes, and "views of life.

"All the several points that I have supposed to be urged appear to me "reasonable in their degree.

"Only, first of all, it is quite clear that the two last-stated exclude each "other. If the number of probable new comers is small, the danger of vul- "garising the old Universities cannot be great: if the danger is real, the "extension will not be imaginary. Perhaps we may find reason to hope that "between these two ways there is a third. The increase in numbers may be "large enough to justify some change, while it will not be so large or imme- "diate as to make that change excessive.

"Though there certainly is a good deal of reluctance to allow much time "for education before business, yet it seems to be true that the opposite feeling "gains ground. If fathers are on one side, mothers are on the other. It is not "uncommon for a merchant to send his son abroad after leaving school, for "a year's experience of the world. The apprenticeship both for solicitors and "merchants, it is said, might be abridged with advantage. Indefinite fears of "extravagant and dissipated courses, the notion of unfit habits and ideas and "useless studies and tastes, would undoubtedly operate long enough to make "the change extremely gradual. But if those fears are, as I believe them to "be, exaggerated, and that notion only half true, experience would surely, "however gradually, lessen the former and modify the latter. The sphere "which already includes the London banker, would presently be extended "over other commercial classes. More and more young men, sons of the "more affluent parents, destined for business, would be brought under the influ- "ences of the ancient national education. There would, perhaps, be a pressure "for earlier admission than is now usual. Yet the data of University or King's "College, London, must not be overstrained. They prove, perhaps, that clas- "sical and mathematical instruction, even when modified for modern views, "is not a sufficient attraction. But Oxford and Cambridge have others.

"On the whole, I venture to conclude that there are a great many young "men who ought to come to the old Universities, and who would come. "What keeps them away is, I believe, rather the want of confidence than "the actual amount of expense. Single Colleges, I am told, in which con- "fidence is felt, are applied to by numbers who, if refused admission there, do "not come to the University at all. I would suggest to Her Majesty's Com- "missioners the analogy of the public schools. Twenty years ago somewhat "of a similar feeling prevailed respecting them. May not the next twenty "years as greatly extend the University system as the last have the public "schools? I do not at all say that these, as they now are, are perfect, but "they are extensively useful; and any change, which experience shall prove "to be needed, will not knock at those doors altogether hopelessly. The vessel "is in motion, and its course may be guided. And certainly, if I may judge by "personal recollections of the conduct of that change, during what may be "called its eight first years, under the most vigorous and effective of the recon- "structing hands, a good deal of unfearing experimentation may and should "in such cases be hazarded."

ECONOMY OF THIS PLAN.

We proceed to state the peculiar advantages of the plan now before us, by which it is proposed that Students shall be allowed to live in lodgings without connexion with any College or Hall. The chief of these advantages is the obvious saving of expense.

Many persons in their evidence have denied that there are any expenses "incident to connexion with a College or Hall." In answer to this we need

only state that for such "University Students," there would be no College fees at entrance, none in the course of the Student's residence, none on taking the Degree. No caution money would be deposited by them; no furniture be bought; no payments be made to officers or servants; no contributions to the support of the College fabric, to the libraries, or other common expenses. Lodging, board, and attendance would be sought where they were cheapest; and they could be procured by those who chose to be frugal at a lower rate than they can now be procured even in the best conducted Colleges.

Moreover, the most economical Student in the most economical College cannot live below a certain standard. He is there exposed to observation, however retiring he may be; and few young men can bear even the silent contempt with which the thoughtless amongst the rich often look down upon the poor. And in all probability no skill or vigilance on the part of the Governors of a College could reduce the cost of living so low as it could be reduced by the ingenuity and the interest of a Student resolved to overcome difficulties. This view of the subject is forcibly supported by Professors Wall and Vaughan.

Evidence of Professor Wall, p. 147.

"It is to the admission of Students into the University without connection "with a College or Hall of any kind that I look for the greatest good to the "University itself, to the Church, and to the country.

"Such a measure would considerably increase the number of Students (now "comparatively small in consequence of the limited accommodation of the "Colleges), but above all, by allowing them to live as humbly as they pleased, "and that in private, it would enable a much poorer class of Students to come "here. The poor man who now, even if he does aspire to a University education "for any of his sons, stints himself to give that advantage to one son only, and "that of course the eldest, whether he be the fittest for it or not, would then "be able, for the same money, to give the same advantage to all. And "whereas it often now happens that the one favoured son wastes his father's "money and disappoints his hopes, the chances then would be increased that "some one son at least would repay him for his expense."

Evidence of Professor Vaughan, p. 83.

"Something, of course, might be lost to such Students by want of that close "and continual intercourse of a man with the habits and opinions of his fellow-"students which College life favours. But this benefit is not, I think, suf-"ficiently great or sufficiently certain to create a strong objection to a system "in which it might be impaired. On the other hand, the advantages of such "an arrangement might be considerable, and they would very properly accom-"pany the recent expansion of our instructional course. Some direct and "some indirect expenses of College life might thus be avoided. Amongst "direct expenses may be numbered tuition fees, library fees, where such exist, "and other charges, perhaps, which, however reasonable and desirable in many "cases, yet might not in all be felt as needful. Indirectly, too, the College "system occasions outlay of money, which a more private method of living "could avoid. The frugality and prudence of individuals might adopt a lower "scale of expense and living than it might be desirable to carry out in a College "system calculated on the average wants of gentlemen. And besides, even "were it practicable for Students possessed of narrower means than their "neighbours in College to adapt their dinners, breakfasts, furniture, gratuities, "hospitalities, &c., to their circumstances, yet such a style of living would be "exceptional, and might give occasion for remark, or for the suspicion that "remarks would be made, and so far an obstacle would generally be found to "exist against the application of a rigid economy. A more private system "of living, on the other hand, might give opportunity to escape from observa-"tion, or the fear of it.

"Something analogous to this supposed state of things takes place, I conceive, "in the case of legal and medical students in London. Some even for the "sake of economy connect themselves with a club, where they can dine, read "newspapers, &c., upon very reasonable terms. In doing so they practise "economy, but such economy as can apply only to their means and habits. "Others, for the sake of economy, dine in their rooms, or in cheaper taverns. "Their life is more private, and being so, escapes both observation and the con-"sciousness that their appearance differs from that of their neighbours in pro-"portion to the difference of pecuniary circumstances. Thus, I conceive that "lodging-houses connected with the University, although not with the Colleges, "would extend the usefulness of the University system, and I think that such a "change at this moment would be opportune as well as advantageous."

We learn from the Report of Your Majesty's Commissioners for the Scottish Universities what such Students can do there.

Evidence on the University of Glasgow, p. 211.

"What do you conceive might be the annual expense of living to Students "who attended King's College (Aberdeen) about 10 years ago, when you were "a Professor?—I should think it would vary. I have known Students pass "the five months at King's College as low as 11*l.* or 12*l.*, exclusive of fees; "but that was an extreme case. But I should think that the average of what "might be spent by Students in the College, exclusive of fees, might be about "20*l.* for the five months, or between that and 25*l.* The lodging is very cheap "there."

Evidence on the University of Aberdeen, p. 14.

"I asked him if he meant that he lived on meal only, prepared in different "ways? He said, 'Yes.' I then went to his landlady, and asked whether he "was so poor as that he could not afford anything better? She said, 'Not "'at all; he has abundance of money.' I asked, 'What is it, then, that he "'does with it?' 'He lays it out on books;' and, says she, 'What do you "'think he paid me at the end of last Session for his whole necessaries? I "'bought for him everything that he required for food, and supplied him with "'fuel, candles, and lodging, and the whole amount was 4*l.* 17*s.* for five "'months.' Now a young man trained in this way (and he was one of our "best scholars) is capable of going through hardships and difficulties which a "man trained in a different way could not do.

"Are a great proportion of your Students in a situation of pecuniary diffi-"culty?—There are a great number of them that are, in fact, obliged to go "home and work at farm-labour in order to enable them to come up the next "Session to College: and I have one gentleman in my eye who, I am sure, will "be an honour to any profession that he enters upon, who was obliged to do "so—that is, to hold the plough and to cut the harvest; and I scruple not to "say that he is one of the best Scholars that ever was within the walls of a "University."

Such brave struggles might perhaps be witnessed in Oxford too, if the poor were admitted to the University, as of old, without being forced to join any College or Hall.

It may not be likely that any considerable number of Students so poor as those to whom we have just alluded will resort to Oxford, as it is not proposed that the literary qualifications of any Candidates for admission should be lowered. Yet as there have been, so there might still be men of genius who could adequately prepare themselves for the University, even while pursuing mechanical or menial occupations, and who would confer honour on it as well as derive honour from it. The training institutions for masters of schools for the poor are likely to produce pupils of great powers, who would probably desire a University education, if they considered it within their reach, and would submit to great privations in order to obtain it. The loss of one such person would be a serious loss. An honoured name still remains in the memory of Oxford men, which was borne by one who came up to the University with a knapsack on his back. The annals of the sister University afford many illustrations of a similar kind.

ESTIMATE OF THE EXPENSES NECESSARY FOR UNATTACHED STUDENTS.

But we believe that, without the necessity of any great self-denial, young men might be supplied with all that is necessary, on very moderate terms, in private lodging-houses.

An eminent solicitor, in a town of the same size as Oxford, has furnished us with the following statement of the expenses of young men, such as might be expected to frequent Oxford, not from the lowest, but from the middle classes of English society:—"A clerk in an attorney's office, in a situation "between an articled clerk with wealthy parents and a writer, pays 16*s.* a-week, "or 41*l.* 12*s.* per annum, for board and lodging, not including beer or washing, "but including candles and fire; has a bed-room and sitting-room, but both "very small.

"For other rooms in the same house, larger and more commodious, he "would pay 18*s.* per week, or 46*l.* 16*s.* per annum.

"An accountant in the same office pays 21*l.* a-year for his lodging (bed-"room and sitting-room) may quit at any time at a week's notice; this in-"cludes coals and attendance. He reckons the cost of his board at nearly 10*s.* "a-week; and that all his expenses (exclusive of clothing) are 60*l.* a-year. "He considers that a young man, determined to live economically, should

"not spend so much; and that the following allowance would be sufficient:—

8*s.* per week for lodging.
8*s.* „ for board.
2*s.* „ for washing, &c.

18*s.* × 52 = £46. 16*s.*"

A similar statement has been supplied respecting a son of our informant.

"A pupil of Mr. Brunel was living at Chalvey, near Slough, during the construction of the Windsor branch of the Great Western Railway. He had "two very good rooms; and the owners of the house soon after he went there "offered to provide his dinners, which they did very plentifully and liberally. "He paid—

	s.	*d.*	
"Lodging, per week . .	8	0	
"Dinner, per day 10*d.* . .	5	10	
"And he considered that his other meals and sundries cost about . . .	2	2	
"Making his whole expenses about . .	16	0	a-week, exclusive of washing."

If we add 2*s.* for washing, the weekly sum is precisely the same as the last given. And, as the academical year need not consist of more than 26 weeks, the yearly board, lodging, and washing of a Student (at this rate) would be only 24*l.*

Adopting a somewhat higher estimate than this, and supposing that about 60*l.* were paid, as at present, for instruction, we see no reason why the Degree should not be taken for 200*l.*, even if the Student resided for 84 weeks during the four years, as he is now required to reside by his College, and did not avail himself of the rule of the University itself, which makes less than 60 weeks sufficient. This estimate includes all that would be necessary for his support, except board during the vacations, with clothes and pocket money for the whole year.

In cases where the mind of the Student was vigorous and persevering, or where he did not aim at high distinctions, the lectures of Professors might often be sufficient for his purpose, and the outlay for instruction might be considerably diminished.

OBJECTIONS TO THIS PLAN OF UNATTACHED STUDENTS.

The objection made both to this and to the preceding plan arises from an apprehension that such Students must be liable to great temptations, and the discipline of the University much impaired, if not altogether destroyed, by their presence.

Evidence of—
Archbishop Whately, p. 26.

The observations of Archbishop Whately, Mr. Hayward Cox, and Mr. Temple, have received our full attention:—"I would not venture to recommend the system of unrestricted lodging in private houses. That a proper "discipline should be maintained among the lodgers must depend on the care, "integrity, and good sense of the lodging-house keepers. And how can we "expect to find these qualities united in an indefinite number of persons in "rather humble life, and of whose own early education we know nothing?

"Moreover, the lodgers are always waited on by the servant girls of the "house, of whose character and conduct the College authorities do not even "pretend to know anything. I could say more, if needful, on this point, but I "conceive it must be superfluous.". . . . .

Mr. H. Cox, p. 94.

"I would not sanction the practice of lodging in private houses . . . . my experience leading me to believe that, while the collegiate system is defective "as regards the moral superintendence even of those Students who reside "within the walls, opportunities amounting to absolute license are afforded "to those who lodge beyond the College walls, aggravating these defects by "facilitating indulgence in extravagance and dissipated habits, beyond the "power of the collegiate authorities to remedy or even to check. I speak very "decidedly on this point, from intimate knowledge of the mischief which "constantly arises from the practice in its present limited form. In the case of "freshmen, it would be absolutely ruinous. I know it to have been so in cases

"where young men, recently from school, have been placed in lodgings during "the day, though they slept within the precincts of the College of which they "were members."……

"Such a plan would have a most pernicious effect on the morality of the "University. The openings to vice are at present the bane of the system. It "is frightful to think of the large proportion of the Undergraduates who are "tainting their minds, not unfrequently for life, with the effects of an impure "youth. To prevent this altogether would be doubtless impossible; but the "difference between rendering vice easy or hard of access is immense. It is a "duty to protect the weak by putting barriers in the way to evil. This plan "would throw all barriers down. Nor would the poverty of those who availed "themselves of it be a protection. Rich men would soon be found to prefer "the freedom of lodgings to the discipline of College, and it would not long be "possible to prevent them from availing themselves of the permission given to "others to do so." Mr. Temple, p. 126. Compare also the Evidence of— Mr. Scott, p. 111. Mr. Lake, p. 170.

These statements are very strong. It will be seen, however, that they do not peculiarly apply in any respect, and in some respects do not apply at all, to such a plan as we are now considering.

OBJECTIONS ANSWERED.

In the first place, those who argue against the plan now under discussion appear to us to over-estimate the dangers of the proposed, as compared with those of the existing system. Many think and speak as if the comparison were between perfect discipline on the one hand, and utter licentiousness on the other.

MORALITY NOT SECURED BY RESIDENCE WITHIN COLLEGE WALLS.

On this point the evidence of Mr. Wall is of great weight. "It will be said, "of course, that the admission of a number of unattached members would "destroy the discipline and corrupt the morals of the present Students. "…… I wish I could say that immorality had yet to be introduced among "our Students. I believe that there would be much less cause to fear the "Students who would come here on the scheme proposed, than to fear for "them; because I think it highly improbable that those Students would be "any but poor men who had to make their way up in the world; or at least, "men who came to work. The rich, or those who came for pleasure or fashion, "would still as now go to the Colleges. And, if the new Students were of this "working class, they would act as a stimulus to others, not to say in the way "of example, but in the more forcible way of bearing off University honours, "College Fellowships, &c. …… I must on the other hand observe, that "there are disadvantages and temptations attending a residence in College "which would not belong to a residence in private lodgings. A life in College "is certainly not necessarily a moral or a studious one. The very congregation "of numbers—the facilities of stepping from room to room and of making up "pleasure parties—have their evils. One or two bad men may, and often do, "work immense mischief in a College. Many a youth who comes up well "disposed is ruined by bad society in his College—society which he was not "likely to have known had he been in private lodgings." Evidence, p. 147-148. Mr. Pattison also speaks very strongly on this point:—"The habits and manners, which gave the "conventual system its good effects, being changed, we must not think any virtue "resides in its mere forms. If little or nothing of moral influence is obtained "by intramural residence, neither is the College gate any mechanical security "against dissolute habits. The three great temptations of the place I suppose "to be fornication, wine, and cards and betting. Without exaggerating the "turpitude of the first-named vice, yet every one who is aware of the amount "of moral and intellectual prostration traceable to it here, must wish that "every protection against temptation should be afforded to the weak and "unsteady. It may be left to any one to estimate what amount of such pro-"tection is given by the necessity of being within doors by midnight. Though "here, again, the departure which modern habits have rendered necessary from "the rule which is still on the Statute book, will exemplify what has been said "of the actual obsoleteness of the domestic system." Evidence, p. 43.

When speaking of the scandal brought upon the University by the cases of debt which have appeared before the Courts and the public, we intimated an opinion that the young men who flagrantly transgress the bounds of moral rectitude in this respect are but a small minority, and that many are even frugal and self-denying. This applies, in a great degree, to the general conduct of the Students. Sprung from the most virtuous classes of society, and often coming

from clerical homes, they are, to a considerable extent, under the influence of the principles in which they have been reared. Many may be deterred from vicious practices mainly by fear of detection and its consequences; yet we are convinced that, even if all restraints were removed, a large proportion of the Students would live virtuously.

But this is not the real question here at issue. The question is, not whether there is more or less immorality at Oxford, but whether residence within College walls is the means by which the morality of the place, be its tone high or low, is kept in its present condition. If, as is the opinion of those whose words we have just quoted, great and general immorality prevails in despite of College discipline, it will hardly be supposed that danger is to be apprehended from the class of Students which we propose to admit. If, as we believe, the majority of young men at present live honestly and soberly, though they have abundant opportunity and time for the practice of vice, the University need not be afraid to try the experiment of admitting young men, who, though they would in some respects have more liberty, would have much less means at their command for indulging in vicious practices.

POOR STUDENTS LESS LIKELY THAN OTHERS TO FALL INTO EXTRAVAGANT AND VICIOUS HABITS.

Whatever degree of licence now prevails, we think that the really poor Scholars would not be in much danger. They would not have credit at command; they would be exposed to fewer temptations, and would be less likely to give way to them. We have already had occasion to observe how greatly the extravagance and vice of the Students depend on their idleness and means of indulgence. There is every reason to hope, on the other hand, that poverty, and the guarantee implied in poverty that such Students would come to the University only for the sake of study, would act as a direct hindrance to vice, and as an inducement to good conduct.

PROPOSALS FOR THE EFFICIENT CONTROL OF SUCH STUDENTS.

1. BY REGULATION OF LODGING HOUSES.

It must be added, that objectors to this plan assume that Students of this class are to be subject to no control at all. This is a misapprehension of the plan which we propose. We think that a system of University regulations should be established to meet their case. In the first place, it is material to observe that the proposed permission to live in private houses would not be granted without restriction. With regard to the wealthier Students, who were not Members of Colleges or Halls, we have already indicated that the superintendence under which we propose that they should live would be not less, but more, effective than that which is provided under the present system. Such young men would be boarded in the houses of Professors, or live with Private Tutors who would be responsible for their behaviour. With regard to the poorer Students, with whom we are here more immediately concerned, we propose that the University should provide securities for their good conduct. Permission to live independently in lodgings would only be granted on special application to the Vice-Chancellor. Lodging-houses would be licensed by his authority, under strict regulations. Any violation of these would lead to an immediate withdrawal of the license. "The discipline of the Colleges," says Professor Vaughan, "is mainly preserved through the reports of the porter and "College servants, and the same system might be carried out in its most "important features with respect to lodging-houses. They should be periodi- "cally licensed by the University, which should receive also from them con- "stant reports of the habits of their inmates. Discommunion and discon- "tinuance of the license should follow any neglect of this duty, or any kind of "collusion with disorderly students, an evil not much to be apprehended in a "town, the lodgings in which would be filled with University men, and must "depend upon University patronage. In this way the habits of Students might "be ascertained as accurately as those of Collegians are now; and rebuke or "punishment be administered as regularly."

Evidence, p. 83.

2. SPECIAL SUPERINTENDANCE.

But, secondly, these Students should be kept, as we indicated "under due "superintendence." Besides the control exercised over the lodging-house keepers by the University, it must be remembered that such Students would be as much amenable to University Discipline as any others in the place; and that in this respect their situation would be very different from that of Medical and Law Students in London. The temptations in the streets of Oxford are at least less common than in cities where no such discipline exists, and at all events these Students need not be exposed to such temptations more than the Members of Colleges. The Pro-Proctors might, as is the case from time to time at present, be increased in number. But besides these means of control, we re-

commend that such lodging-houses should be placed under the special superintendence of University officers to be constituted Tutors or Guardians of the University Students. Their stipend might be made up by a small annual payment from each of their wards, or, if the University should have the means, supplied by the University itself. Their duty would be, so far as the case permitted, to acquaint themselves with the character and circumstances of these Students, and to take all means in their power for exercising over them a due moral and religious superintendence. The University would easily arrange a system according to which such superintendence could be beneficially exercised; and it would not be difficult to find Fellows of Colleges who would take a lively interest in such an occupation.

But we need not confine our proofs of the safety of this plan to antecedent probabilities. It has been extensively tried in other parts of Your Majesty's dominions, and tried without the securities which we propose. Many Theological Students reside in Edinburgh, many in Glasgow, many in Dublin, without such safeguards. At Cambridge some of those young men, whose habits are most laborious and whose conduct is most exemplary, prefer lodgings to rooms in College, because they can there read with less interruption; and a large proportion of the Students are compelled to live in the town whether they like it or not. For the general results of this experience, we may fairly appeal to the lives of the clergy educated at Cambridge or Dublin, or at the Scottish Universities.

We have stated that many of those who have laid evidence before us look with suspicion on this mode of University extension, but we believe that, on a fuller examination of the subject, alarm will disappear. Perhaps the truest calculation would be, that this class of Students, quiet in their habits, inexpensive, and dispersed through the city, would produce no sudden or violent change, and that an efficient extension of the University would gradually take place without attracting the notice which usually attends great alterations. We find a confirmation of our opinions and our hopes in the fact that Mr. Jowett, whose position and character in Oxford give great weight to his views, after having strongly advocated the foundation of affiliated Halls, has subsequently expressed a desire that the following passage should be inserted in his evidence:—"It may be fairly said . . . . . that the permission to live "in lodgings does not necessarily involve the introduction of the comparatively "lax discipline of a foreign University. Objections on this score might pro- "bably be met by a system of University regulations; and it must be allowed "that the plan of lodging in the town is free from the difficulties which "beset almost any scheme for poor Halls; first, the evil, or probable evil, of "making a distinct caste of the class of men who are educated at Halls, as "compared with those educated at Colleges; secondly, the difficulty of em- "ploying the College property for a purpose to which the Colleges themselves "are either opposed or lukewarm, and which nevertheless they would be "naturally engaged in carrying out."

Evidence, p. 33

Such, then, are the plans for increasing the number of regularly incorporated Students in Oxford which we have had under consideration. Other schemes have been put forth for the admission of persons to Oxford Degrees; but they differ greatly from those which we have discussed above, inasmuch as they propose that Degrees should be attainable without previous residence in the University.

SUGGESTIONS FOR GRANTING DEGREES WITHOUT RESIDENCE IN THE UNIVERSITY.

The Right Honourable Sidney Herbert proposed some time since, in a letter to the late Dean of Salisbury, privately printed but extensively circulated, that Theological Schools should be founded in Cathedrals and affiliated to the Universities. Sir Thomas Phillips and Mr. Baylee desire that Lampeter and the Theological College at Birkenhead respectively should be thus connected with Oxford. A plan of a similar character has been prominently put forward in a letter addressed to the Vice-Chancellor of Oxford by Mr. Sewell, Fellow and Senior Tutor of Exeter College, not, indeed, in answer to, but avowedly in consequence of the inquiries set on foot by Your Majesty's Commissioners. This last scheme further suggests that the University should supply funds for establishing Professors in Birmingham and Manchester, the attendance on whose Lectures should be required as preliminary to a Degree.

Suggestions on University Extension, by the Rev. W. Sewell. Oxford, 1850.

None of these plans, strictly speaking, fall within the scope of our inquiry. They are proposals not for the extension of the University of Oxford, but for

conferring certain benefits on other institutions or other towns. Still, as they have been brought before our notice, and have excited some interest, we have felt it our duty to give them our full consideration. We have arrived at the conviction that they do not meet the exigencies of the case.

OBJECTIONS TO SUCH SCHEMES.

They cannot be said to extend the benefits of University education. The Examination and the Degree, valuable as they are in furnishing a stimulus and a termination to the academical career, do not form a part of the education itself. But in the scheme last mentioned, even this link between the new class of Oxford Graduates and Oxford disappears; inasmuch as the Examinations are to be passed elsewhere.

What is needed is to make the University a great seat of learning; to bring together the ablest Instructors and the ablest Students; to enable many who could not otherwise become Members of the University to avail themselves of the advantages attached to its training and society; to cause the rewards and stimulants of its endowments to bear on the largest possible number of minds,—not to multiply places in which Teachers inferior in learning and capacity, or inferior from the necessity of attempting too many subjects, would train inferior Students. What is needed is to place the best education within the reach of all qualified to receive it; not to offer some solace to those who are excluded. If the means of the University were unbounded, its superfluities might possibly be employed on the general purposes of education throughout the country; but such a scheme should not be entertained till it has been shown that there is no demand for men and for money in the University itself. We shall be able to show that such a demand undoubtedly exists, and that the want implied by it is deeply felt.

We see no reason why the University should go out of its way to confer its Degrees on the members of institutions, in which such distinctions can never bear the same meaning as when they are attained by those who are really Members of the University. A Degree can be obtained, if deemed necessary, at small cost in several places; but a Degree conferred by the University of Oxford ought to be the reward of a course of study pursued in Oxford, and the certificate that the Student has undergone the training which cannot be secured without residence.

ATTENDANCE OF STRANGERS ON PROFESSORIAL LECTURES.

We invited attention to "the possibility of admitting persons to Profes-
"sorial Lectures, and authorising the Professors to grant certificates of attend-
"ance without requiring any further connexion with the University."

Evidence of—
Prof. Browne, p. 6.
Prof. Walker, p. 22.
Mr. Jowett, p. 33.
Mr. Wilkinson, p. 76.
Mr. H. Cox, p. 95.

It is sufficient here to refer to the Evidence as showing that this practice already exists. At present such Students are not numerous, and they are chiefly persons resident in the city of Oxford. Some few have requested and obtained certificates of attendance. Many more might be attracted by eminent Professors, as Englishmen now go to study chemistry at Giessen under Liebig; or as Niebuhr and many other distinguished men went to study in the lecture rooms of Edinburgh. If the number of such strangers should increase, and any inconvenience ensue, the University could take measures to correct the evil.

EXCLUSION BY RELIGIOUS TESTS.

There is one large class of the community which is excluded, though not by poverty, from the University; namely, those who are unwilling to subscribe the XXXIX Articles of the Church of England.

Evidence of—
Mr. Jowett, p. 34.
Prof. Wall, p. 147.
Mr. Congreve, p. 152.
Mr. Clough, p. 213.
Mr. Foulkes, p. 225.
Suggestions by the Rev. W. Sewell, p. 4.

The question respecting the admission of Dissenters to the University is one which we are instructed not to entertain. We will merely call attention to the fact, that several Members of the University have recorded in their evidence a strong opinion that the present policy in this matter should be abandoned. In the "Suggestions" already referred to, a scheme has been promulgated, not indeed for admitting Dissenters to residence, but for conferring Degrees upon them at a distance. The author is willing, as it would seem, to grant to them the honours of the University, provided they be carefully excluded from personal contact with its Members.

The particular mode by which the exclusion of Dissenters is at present effected, as distinguished from the general expediency of exclusion, appears to fall strictly within our province while considering the morality and the discipline of the University. A change in the mode of exclusion has from time to time been advocated even by persons who are not prepared to remove the exclusion itself.

UNIVERSITY SUBSCRIPTIONS.

The Subscriptions now in force were imposed upon the University by its

Chancellor Lord Leicester, and King James I.; that to the XXXIX Articles by Leicester, in order to exclude the Roman Catholic or Romanising party; that to the Three Articles contained in the Thirty-sixth Canon by King James I., in order to exclude the Puritan party.

There are several anomalies in the present practice.

First, the Subscriptions required on such occasions vary from each other in some important points.

ARBITRARY NATURE OF THE PRESENT REGULATIONS.

The Subscription enjoined at Matriculation is merely a signature of the name in a book, to which the XXXIX Articles are prefixed. At the Degree of B.A. and of M.A., and at most of the superior Degrees, when the Subscription is repeated, a declaration is made that the subscriber has read the Articles, or has heard them read, in the presence of the person who presents him. The candidate for a Degree is also required to subscribe the Three Articles of the Thirty-sixth Canon, which are read aloud before him at the time of his presentation. It will be observed that these Three Articles are those which the Clergy subscribe at their Ordination; and that the obligation contained in the second, "to use the forms prescribed in the Book of Common Prayer "and administration of the Sacraments, and none other," can, strictly speaking, be applicable only to Clergymen. The Subscription in question is, nevertheless required by the University of lay Graduates. The injunction of Chancellor Hatton in 1589 is not open to this objection. He required Subscription to this form of words: "I do confess that the Book of Common Prayer contains in it "nothing contrary to the word of God; and that the form in the said book "prescribed for public prayer and administration of the Sacraments may lawfully "be used."

Wood's Annals, anno 1589, vol. ii. p. 238.

UNCERTAINTY AS TO THE MEANING OF SUBSCRIPTION BY UNDERGRADUATES.

Secondly, the Matriculation Subscription is not explained by any words in the Statute, and seems to be open to several interpretations. Such interpretations are usually given, though without authority, by the different Vice-Chancellors or Pro-Vice-Chancellors at the time of Subscription, and they are said to vary greatly. Sometimes the person matriculated is told that he "thereby expresses his assent to the XXXIX Articles, so far as he "knows them;" sometimes, that "he probably has not read them, but that he "has no objection to them;" sometimes, that "he thereby declares himself "to be a member of the Church of England." Sometimes, however, no observation is made. We do not know whether the distinction, which we have noticed, between the practice of reading before Graduation and not reading before Matriculation, is accidental, or intended to leave scope for such a variety of explanation.

UNCERTAINTY IN THE OPERATION OF THE PRESENT SYSTEM.

Thirdly, it may be observed, that the Subscription is found practically neither to exclude all who are not members of the Church of England, nor to include all who are.

On the one hand, it is no obstacle to the admission of some persons who are known to be members of other communions, such as the Evangelical Church of Prussia, the Evangelical Society of Geneva, the Wesleyan body, and the Established Church of Scotland. On the other hand, there are persons who, though members of the Church of England, are unwilling to declare that they adopt all that is contained in the Articles, and therefore feel themselves excluded from taking the higher Degrees. It, certainly, is singular that a lay Corporation should require from laymen, simply as a condition of Membership, that which the Church of England does not require for participation in its most sacred Ordinance.

The practice has at times appeared unsatisfactory to the rulers of the University. In 1834, a measure was brought forward by the Hebdomadal Board, but rejected by Convocation, to substitute for this Subscription a Declaration that the person admitted was a member of the Church of England. Such a Declaration would, as appears from what has been stated, exclude many members of the University whom the present Subscription admits, and this swelled the majority that rejected it; though, doubtless, that majority consisted chiefly of persons who were adverse to any relaxation of the terms of admission.

At Cambridge, as is well known, no Subscription is required at Matriculation. It is probably familiarity alone that reconciles us to a system which exacts from youths at their first entrance into the University a formal assent to a large number of Theological propositions, which they cannot have studied, and which in many Colleges they are not encouraged to study till a considerable period

EVILS ARISING FROM THE PRESENT SYSTEM OF SUBSCRIPTION.

after they have subscribed them. This Subscription is required by the Statutes from children of the age of twelve; a requirement now happily in abeyance, owing to the more advanced age at which Students come to the University, but which was actually in force as late as the middle of the last century, and which must be put in force again if a boy of that age were to present himself for matriculation.

We do not offer any suggestion as to the manner in which the evil should be remedied; but we must express our conviction that the imposition of Subscription, in the manner in which it is now imposed in the University of Oxford, habituates the mind to give a careless assent to truths which it has never considered, and naturally leads to sophistry in the interpretation of solemn obligations.

III. STUDIES.

We now proceed to give an account of the Studies of the University. Under this head it will be our grateful task to record many and great improvements effected by the University during the last half century. The University has done much, and pledged itself, by what it has done, to do more. But here we must distinguish between the Studies prescribed and the means provided for giving Instruction in those Studies. As to the Studies themselves, the suggestions which we shall have to offer will be chiefly in furtherance of principles already recognised. But, as regards the means of Instruction, the University labours under great difficulties; and we fear that, without external assistance in the removal of these difficulties, it will never be able to supply such Instruction as will give effect to the regulations recently made for extending and improving the course of Study. We shall point out how, in our opinion, this assistance can be most advantageously given.

PRELIMINARY ACCOUNT OF THE COURSE OF STUDY PRESCRIBED IN THE LAUDIAN STATUTES.

Our description of the present Studies and Examinations of the University must be prefaced by a brief account of the ancient system.

The only system which is legal, if the Laudian Statutes be unalterable except by Royal licence, is that which is prescribed in them. In any case, it is indispensable for those who would comprehend the recent legislation of the University to have some knowledge of the old enactments on which the modern regulations as to Studies have been based.

The Laudian system is composed in part of the remains of one much older, in part of provisions introduced in later times, and of some important enactments originated by Archbishop Laud himself.

The course of Study prescribed in the Laudian Code, is more comprehensive than any which the University has since attempted to enforce on Students generally, as a condition for obtaining their Degrees. But it must be remembered that the length of time required for an Oxford education was considerably greater in 1636 than it is in our own day; and it is moreover doubtful whether the extent of acquirement then expected was ever really attained.

Stat. Univ. Tit. iv. Sec. 2, 3, 4, 5, 6, 12.

The Student in the first year was to attend Lectures on Grammar. The Lecturer was to expound its rules from Priscian, Linacre, or some other approved writer, or to explain critically some passage of a Greek or Roman author. The Student was also to attend Lectures on Rhetoric, founded on the works of Aristotle, Cicero, Hermogenes, or Quintilian. The Ethics, Politics, and Economics of Aristotle, and Logic, were to be the subjects of the second year. Logic, Moral Philosophy, Geometry, and the Greek language, under the Professor of Greek, of the third and fourth. The Degree of Bachelor of Arts which then, as now, could be taken at the end of the fourth year, was only a stage in the academical course, not as now its termination.

Three more years were to be devoted to the study of Geometry, Astronomy, Metaphysics, Natural Philosophy, Ancient History, Greek, and Hebrew, in order to attain the Degree of Master of Arts. Here the general education of the University ended. Those, however, who received their professional education at the University, remained there several additional years studying in the Faculties of Theology, Law, or Medicine. The necessity of taking Degrees in one of these Faculties was imposed on many Fellows by the Statutes of their Colleges. All resident Masters of a certain standing, whether obliged to become Doctors or not, were required by the Statutes of the University to enter upon one of the "lines," as they were called, and to pursue it until they had arrived

Stat. Univ. Tit. viii. § 1.

at a sufficient standing to take the higher Degree. The Theological course lasted eleven, the Legal and Medical course seven years, from the Master's Degree: but in Law a student might shorten his course of study, by entering on the Faculty of Law at the expiration of his second year in Arts. The length of residence contemplated is less surprising, if we consider the early age at which Students then entered the University. The matriculation of boys under twelve years of age is provided for in the Statutes; and many became Masters of Arts at the period of life when most Students now begin their residence.

Nor will it be thought that the ancient period of Study was too long, when we consider that books were then scarce, and that minute and prolix scholastic systems were to be learnt from oral teaching. In the days of Laud this long course of Instruction was, perhaps, retained, because no fitter employment could be devised for Fellows and Scholars of Colleges, who still for the most part kept residence in obedience to their College Statutes.

MEANS TAKEN, UNDER THE LAUDIAN CODE, TO PROMOTE STUDY AND ASCERTAIN PROFICIENCY:—

For promoting these Studies, the Laudian Code made abundant provision. For the purpose of instruction it supplied Public Teachers, and enforced attendance on their Lectures. For the purposes of training Students, and ascertaining their proficiency, it endeavoured to give new life to the Disputations, a system of Exercises which was once in great repute, and it imposed a Public Examination in the subjects on which instruction was afforded.

1. LECTURES.

Of the ancient system of Public Lectures, it will be sufficient to say in this place, that the Laudian Statutes require every Undergraduate to attend four public University Lectures weekly for the first two years, and six Lectures weekly from the close of the second year, till the degree of B.A.; and that a similar attendance, though of less amount, is required as a qualification for every Degree up to the highest.

2. DISPUTATIONS.

The system of Disputations, once the most essential part of an Academical education, has so utterly passed away, that its very phraseology is unintelligible. Every Undergraduate was required to "oppose" once, and "respond" once, in the Disputations in the Parvises, (as they were called,) and once or twice to "respond" under a Bachelor. After two years' residence, and after responding in the Parvises, he was made a General Sophist; and after obtaining that title, he continued to dispute, once a Term at least in a similar manner, till he obtained the Bachelor's Degree. After the Degree of B.A., the Statutes impose upon Bachelors of Arts similar exercises under the name of Disputations, Declamations, and formal Lectures, to qualify them for the Degree of M.A.

Stat. Univ. Tit. vi. Sec. 1, § 1.

The decay of this system began before the time of Laud. Leicester and Bancroft had, during their respective Chancellorships, issued orders for a better observance of the Disputations, which had partly fallen into disuse. The Laudian Statutes themselves condemn a practice, which had crept in, of keeping the Terms necessary for a Degree, by residing one or two days in each, so that the Disputations at that time must have been often neglected. A Statute on the discipline of the Schools suggests the same conclusion. The Proctors had once sufficed to keep order at the Exercises; but it had long been the custom of the University to call in the Masters of the Schools, and, just before the Laudian Statutes were enacted, it was usual to summon to their aid some of the Necessary Regents, in order that, "by their united diligence the unbridled licence of the "young men, who came oftener to lounge than to dispute, all things might be "done in quiet, and that there should be no fights, quarrels, or disturbances, "either between individuals or by the Students in bodies, no waste of time in "tales, prating, or drinking."

3. THE EXAMINATIONS.

The system of Public Examinations seems to have been established by Archbishop Laud. Something of the kind, indeed, had been attempted in 1588. By a Statute passed in that year it was ordered that no Scholar should be promoted to the Degree of B.A., and no Bachelor of Arts to that of M.A., unless he could repeat from memory the Articles of Faith and Religion, and support them by texts of Scripture, before the Vice-Chancellor, or the Proctors, or the Regent Masters, in the Convocation House; and each Candidate was required to pass an Examination, in the same place and before the same persons, for the Degree of B.A. "in Grammaticalibus et Logicalibus," for that of M.A. "in "Moralibus et Naturalibus." This enactment, however, does not seem to have been long observed.

Wood's Annals, anno 1588, vol. ii. p. 235.

There had, indeed, long existed an ordeal which bore the name of Exa-

mination. Allusion is made to this "Consuetum Examen" in the Statutes of King Edward VI. It appears to have degenerated into a mere form long before the time of Laud, and continued to be so, though it was expressly retained in his Statutes.

Stat. Univ. Tit. ix. sec. 5, § 1.

PUBLIC EXAMINATION OF 1636: FOR DEGREE OF B.A.

The Public Examination instituted in 1636 was as follows. For the Degree of Bachelor of Arts it consisted of an inquiry into the Student's proficiency in those Arts and Sciences in which he had been bound previously to hear Lectures, namely, Grammar, Rhetoric, Logic, Moral Philosophy, Geometry, and Greek. To these ancient subjects, Philology was to be added; and particular stress was laid on the familiar use of the Latin tongue. There was no provision for ascertaining whether Candidates for the two first Degrees were acquainted with the Rudiments of Religion. Divinity was reserved for those who professedly entered themselves in the Theological Faculty.

Stat. Univ. Tit. ix Sec. 2, § 1.

FOR DEGREE OF M.A.

For a Master's Degree there was also an Examination like that for the Bachelor's Degree, but extending to the Arts and Sciences, in which the candidate was bound to hear Lectures in the interval between the two Degrees, namely, Astronomy, Geometry, Metaphysics, History, Greek, Hebrew, Natural Philosophy. At this point the Examinations ceased. The candidates for the higher Degrees were required only to attend certain lectures, to perform certain exercises, and to read a certain number of lectures.

Stat. Univ. Tit. ix. Sec. 2, § 1.

EXAMINERS.

The Examinations were to be conducted by all the Regent Masters, of whom three together, beginning with the juniors, were to be appointed for three successive days. The Senior Proctor was the officer charged to enforce this duty; and hence seems to have originated the appointment of the present Public Examiners by the Proctors.

Stat. Univ. Tit. ix. Sec. 2, § 2.

COURSE OF STUDY ENJOINED.

As regards the subjects of these Examinations no great improvement was made on the preceding state of things. They are much the same as those specified in the Statutes of King Edward VI. The Laudian Statutes require indeed the addition of Philology to "the narrow learning of a former age." But the narrow learning was still retained, and the Students of Oxford were made to study Natural Philosophy, in an age subsequent to that of Copernicus and Bacon, from "the Physics of Aristotle or his books concerning the Heavens "and the World, or concerning Meteoric Phenomena, or his Parva Naturalia, "or the books concerning the Soul, and also those concerning Generation and "Corruption." All disputants were bound to defend the ancient writers on Grammar "with all their power," and in Rhetoric, Politics, and Moral Philosophy, to maintain "the whole doctrine of the Peripatetics." The authority of Aristotle was to be paramount; and all modern writers were "utterly rejected." Of course in a system of education depending on disputations, in which a moderator was to decide absolutely, it was necessary that there should be text-books whose authority should be admitted as conclusive.

Stat. Univ., Tit. ix. Sec. 2, § 1.

Tit. iv. Sec. 1, § 9.

Tit. vi. Sec. 2, § 9.

Tit. ix. Sec. 2, § 1.

Still it cannot be denied that Laud's attempt was what Wood calls it a "happy "innovation," a "great and beneficial" measure; nor is the language of Vice-Chancellor Frewen entirely the language of adulation, when in addressing Laud upon the subject he wrote in 1639: "Your Grace hath been most munificent "towards the University; yet, without flattery be it spoken, this one Statute is "your greatest benefaction." Its introduction gave a great impulse to study, and occasioned a degree of apprehension to the idle which it is difficult now to conceive. "The exercise," wrote the President of St. John's College, "is "passing solemn, and cannot but beget an extraordinary care in the actors on "both sides to fit themselves unto this awful trial." One Student committed suicide the day before he was to undergo Examination. Laud himself used all his influence to secure the efficacy of his measure. "Suffer not," he wrote in 1640, "that exercise which will bring so much present honour to the Uni-"versity, and so much future benefit to the Church, either to fail or to be "abused by any collusion."

Wood's Annals, anno 1638, vol. ii. p. 417.

Laud's Chancellorship, edited by Wharton, p. 173.

Ibid. p. 187.

Wood, Hist. et Antiqq. Univ. Oxon. p. 346.

Laud's Chancellorship, p. 211.

FAILURE OF THE LAUDIAN SYSTEM.

The Laudian system received, in the year 1850, the commendation of the present rulers of the University as "a system of Study admirably arranged, at "a time when not only the nature and faculties of the human mind were "exactly what they are still, and must of course remain, but the principles also "of sound and enlarged culture were far from imperfectly understood." We presume that the Hebdomadal Board did not extend its approbation to the enactments quoted above as to the text-books and authorities which were to be paramount in the Schools: but neither can the other provisions for carrying the

Letter of the Heads of Houses, Appendix A, p. 4.

system into effect be commended as successful. Nominally, indeed, it remained in force for more than a century and a half; but it began to decay within a very few years after its creation. If this failure had been confined to the old Exercises or Disputations which Laud sought to revive, there would be little ground for censure; but the Public Teachers, whose duties he laboriously marked out, soon ceased to teach, as we shall have to show hereafter; the residence of Students gradually became less, and in the higher Faculties it ceased to be required at all; while the Examination, from which Laud and his Vice-Chancellor anticipated benefits so great and lasting, failed as completely as any part of his regulations. To what a low state it had sunk in the last century may be judged from the description given of its condition in 1770 by Lord Eldon, and from that of the Rev. Vicesimus Knox in 1780:—

"Mr. John Scott took his Bachelor's Degree in Hilary Term, on the 20th "February 1770. 'An examination for a Degree at Oxford,' he used to say, 'was "'a farce in my time. I was examined in Hebrew and in History.' 'What "'is the Hebrew for the place of a skull?' I replied, 'Golgotha.' 'Who "'founded University College?' I stated (though, by the way, the point is "sometimes doubted) 'that King Alfred founded it.' 'Very well, Sir,' said the "Examiner, 'you are competent for your Degree.'" Life of Lord Eldon, by Horace Twiss, vol. i. p. 57.

"Every Candidate is obliged to be examined in the whole circle of the "sciences by three Masters of Arts, of his own choice. The examination is "to be holden in one of the public schools, and to continue from nine o'clock "till eleven. The Masters take a most solemn oath that they will examine "properly and impartially. Dreadful as all this appears, there is always found "to be more of appearance in it than reality, for the greatest dunce usually gets "his *testimonium* signed with as much ease and credit as the finest genius. The "manner of proceeding is as follows: The poor young man to be examined in "the sciences often knows no more of them than his bed-maker, and the Masters "who examine are sometimes equally unacquainted with such mysteries. But "*schemes*, as they are called, or little books, containing 40 or 50 questions in "each science, are handed down from age to age, from one to another. The "Candidate to be examined employs three or four days in learning these by "heart, and the Examiners, having done the same before him when they were "examined, know what questions to ask, and so all goes on smoothly. When "the Candidate has displayed his universal knowledge of the sciences, he is to "display his skill in Philology. One of the Masters, therefore, desires him to "construe a passage in some Greek or Latin classic, which he does with no "interruption, just as he pleases, and as well as he can. The Statutes next "require that he should translate familiar English phrases into Latin. And "now is the time when the Masters show their wit and jocularity. Droll "questions are put on any subject, and the puzzled Candidate furnishes diver-"sion in his awkward embarrassment. I have known the questions on this "occasion to consist of an inquiry into the pedigree of a race-horse." The Works of Dr. Vicesimus Knox, vol. i. pp. 377-380. No. 77, of Essays, Moral and Literary. 8vo. London, 1824.

It might have been added that at this time the Examiners were chosen by the Candidate himself from among his friends, and he was expected to provide a dinner for them after the Examination was over.

From the first, there were not wanting indications that the Laudian scheme would fail. In the very year in which the Examination was put in force, two Bachelors were deprived of their Degree, and the Regents who examined them were called in question by the Vice-Chancellor "for going directly against their "oaths in giving testimony to such ignorant men." In the following year the Vice-Chancellor, having been absent from Oxford for a fortnight, the Examinations "were at a dead stand." It was necessary to take measures "to "prevent collusion between Examinants and Candidates." Laud's Chancellorship, p. 180. Ibid. pp. 195, 211.

CAUSES OF THE FAILURE OF LAUD'S EXAMINATION.

Experience enables us to discern some at least of the causes of this failure. There were no substantial benefits to be gained, even by the most brilliant success at the Public Examinations. It has been found in our own time that the attempt to encourage the study of Mathematics in Oxford has hitherto failed, in a great measure, because Mathematicians, as such, are rarely elected to open Fellowships. The honours, however, awarded to this study in the Public Examinations, with the Scholarships founded to encourage it, do secure its being pursued by a small number of Students. But there were no honours awarded in the Examination instituted by Archbishop Laud; and the failure of his scheme was eventually as complete as the attempt lately made to pro-

mote the study of Theology by a mere Examination without honours or advantages; an attempt which has resulted in the annual appointment of three Examiners, but which has produced little more than three Candidates in the ten years which have passed since its establishment. Again, while the Laudian scheme offered no inducement to do more than could be achieved by Students of very inferior ability, even this low standard was not kept up, and the fear of failure soon vanished. Farther, the Examiners held office for three days only, and were appointed without regard to their qualifications. They received no payment; they were under no responsibility to public opinion; in some cases, perhaps, they knew less than those whom they examined; and, if they knew more, the difficulty of discriminating between Candidates who were probably more nearly on the same level of ignorance than is the case in our own day, must have made even resolute Examiners shrink from the task of rejection. To render a system of Examinations effectual, it is indispensable that there should be danger of rejection for inferior candidates, honourable distinctions and substantial rewards for the able and diligent, with Examiners of high character, acting under immediate responsibility to public opinion. In the scheme of Laud all these things were wanting.

STUDIES OF THE UNIVERSITY, AS REFORMED IN THE PRESENT CENTURY.

We proceed to consider the Studies of the University as regulated by the new system, which dates from the commencement of the present century.

EXAMINATION STATUTE OF 1800.

Memoirs of Bishop Copleston, p. 65.

The Studies of the University were first raised from their abject state by a Statute passed chiefly at the instance of Dr. Eveleigh, Provost of Oriel College, in 1800. The new system of Public Examinations then instituted was based on that of Laud; and was, like that of Laud, intended to apply to the Degree of Master as well as to that of Bachelor of Arts. The subjects for the first Degree were Grammar, Rhetoric, Logic, Moral Philosophy, and the Elements of Mathematics and Physics; and especial stress was laid on a knowledge of the Greek and Latin writers. Every Candidate was to be examined in at least three authors of the best age and stamp. For the Master's Degree, the Bachelor was to be examined in Mathematics and Physics, in Metaphysics, History, and Hebrew. Candidates for the Degree of Bachelor in Civil Law were to be examined in all the subjects prescribed for the Degree of B.A., with the addition of History and Jurisprudence. Permission was given to examine Candidates either in English or Latin; translation from English into Latin was required; and a knowledge of the Elements of Religion and the XXXIX Articles.

Two great improvements were effected by this change in the Statutes. First, distinctions were awarded to the ablest Candidates. Twelve of these were to be classed in order of merit; and in case more than twelve were found worthy of distinction, a second list was to be drawn up on the same principle. The lists were to be made public. Thus the University acknowledged that Degrees were not of themselves adequate honours for Students of merit. The second improvement, which indeed was rendered necessary by the first, and was scarcely less important, was that the Examiners should be paid functionaries, selected by responsible officers, and appointed for a considerable period.

SUBSEQUENT CHANGES, UP TO THE YEAR 1850.

In 1807 further and important modifications were made in the system. It was found that the subjects of Examination were far too numerous to be deeply studied, except by the very ablest Candidates; and therefore Mathematics and Physics were separated from the other subjects, which were comprehended under the name of Literæ Humaniores. Honours could be obtained by proficiency in either School. The distinction between the Examination for the first Degree in Law and Degrees in Arts, and also the Examination for the Degree of Master in the latter Faculty, had been silently abrogated; consequently Law and Hebrew fell out of the University course. The Literæ Humaniores were defined as comprehending the Greek and Latin language, with Logic, Rhetoric, and Moral Philosophy, no mention being made of Metaphysics or History. The principal part of the Examination seems to have been oral, and thus success naturally depended rather on skill and accuracy in construing the Classics than on acquaintance with Philosophy or History. At this time Logic was put more prominently forward; and a knowledge of "Rudiments of Religion," which was still required from all candidates, received

a broader definition, being now made to comprise the Gospels in Greek, and the Evidences, in addition to the XXXIX Articles. The Statute also prescribed that there should always be two Classes of Honours, whatever might be the number of distinguished Candidates, and that the names should be arranged in each Class, not according to merit, but in alphabetical order. A Third class was virtually added in 1809, when a separation in the Second, by means of a line, was enjoined.

By a Statute passed in 1825, in consequence (as the preamble states) of the increase of Students in the University, the distinction between the two Schools of Classics and Mathematics was still further recognised by the appointment of separate Examiners for each. The classification of the honorary distinctions was rendered still more definite by giving the name of "Third Class" to the lower division of the Second.

But the increase in the number of Candidates produced an effect which had not been foreseen. It became necessary that the Examination should be conducted more and more on paper, and therefore knowledge of Philosophy, together with skill in Composition, increased gradually in importance, and perhaps skill in Construing proportionably declined.

In 1830, these changes were carried further in the same direction. A Fourth Class was established; and the Examinations of Candidates for an ordinary Degree were separated from those of Candidates for Honours. The "Literæ "Humaniores" now included Ancient History, with Political Philosophy, as well as Rhetoric, Poetry, and Moral Philosophy; and the important permission to illustrate ancient by modern authors was then first introduced.

In furtherance of the great purposes of the Examination Statute, it had soon appeared desirable to add an earlier Examination to that for the B.A. Degree. In 1808 a Statute was passed, ordering all Students to be examined—in the course of their second year after Matriculation—in the Elements of Greek and Latin, and of Logic or Geometry. This Examination was substituted for a scholastic exercise of an entirely different character, called "Responsions in the "Parvise."

This previous Examination continued unaltered down to 1850, when it was slightly modified in the great change which we shall presently describe.

Such are the chief alterations introduced by successive Statutes passed in the half century which has just elapsed; changes in themselves and in their consequences the greatest that have been effected in the University since the revision of the Statutes in the time of Archbishop Laud. Like that revision, they have widely affected not only the University, but the Colleges also. The old Disputations and Exercises enjoined not only in the Laudian Code, but in most of the College Statutes, have been almost entirely superseded by the act of the University.

The Examinations have become the chief instruments not only for testing the proficiency of the Students, but also for stimulating, and directing the Studies of the place.

PRESENT STATE OF CLASSICAL STUDIES.

EFFECT OF THE EXAMINATION; ON ORDINARY STUDENTS.

The general effect of this change has been exceedingly beneficial. Industry has been greatly increased. The Instruction in the Colleges has become indirectly subject to the control of the University. The requirements of the Examinations for an Ordinary Degree, slight though they be, have yet a great effect on that period of the Academical course which immediately precedes them. The idlest and most careless Student is checked in his career of idleness by the approach of his Examinations. The severity of the Final Examination may be judged of by comparing the number of those rejected at Oxford with the number of those rejected in other Universities. It appears from a Return made to the House of Commons, that, on an average of the same four years (1845–1848), the number of those who presented themselves for Examination, and of those who passed the Examination, were, respectively—at Dublin, 259 and 242; at Cambridge, 370 and 342; at Oxford, 387 and 287.

Compare Evidence of the Dean of Llandaff, p. 221.

Printed by order of the House, Feb. 5, 1850. (See Appendix K. pp. 69-71.)

ON CANDIDATES FOR HONOURS.

The stimulus of the Examination for Honours is found to be very strong. The average number of Candidates for Honours in Classics is not less than 90 out of nearly 500 candidates for a Degree. Of these 90, about 10 obtain a First Class. This honour, then, is no mean distinction. That it has been honestly and deservedly awarded is proved by the confidence which the Examiners, for the most part, enjoy, and by the success in after-life of those who have won it.

EVILS INCIDENT TO THE EXAMINATION.

It is not to be denied, however, that some incidental evils have followed the

introduction of the new system. The Studies of the University are directed to a single Examination; and this has tended to discourage the pursuit of the subjects which were not included within the range of that Examination. One effect of this has been that the attendance on the Lectures of Professors, instead of receiving an additional impulse from the revival of study in the University, has diminished, except in those cases where the Lectures are considered likely to aid the Students in gaining Honours. The Examinations themselves have encouraged a good deal of spurious knowledge. On those also who seek only the Ordinary Degree, the whole effect has been less salutary than might have been hoped. The range of subjects is too narrow to interest the great mass of Students, and the minimum of knowledge required is so scanty as to leave all but the dullest and most ignorant unoccupied for the greater part of their academical course, and therefore exposed to all the temptations of idleness.

REQUIREMENTS FOR A COMMON DEGREE.

We have said that the number of Candidates rejected in Examinations for an Ordinary Degree is considerable. But, notwithstanding this, the amount of attainment commonly exhibited in these Examinations is small. An ordinary Candidate has prepared usually four plays of Euripides, four or five books of Herodotus with the History, six Books of Livy also with the History, half of Horace, four Books of Euclid, or (in lieu of Euclid) Aldrich's Compendium of Logic to the end of the Reduction of Syllogisms. He is also expected to translate a passage from English into Latin, and to construe any passage of the four Gospels; to repeat and illustrate from Scripture the XXXIX. Articles; and to answer questions on the historical facts of the Old and New Testament. The Examiners are satisfied with a very slight exhibition of knowledge as regards many of these subjects. "If decent Latin writing should be "insisted on, the number of failures would be more than quadrupled." The Latin and Greek authors are commonly got up by the aid of translations. The knowledge of Logic insisted on is very meagre.

Evidence of Prof. Walker, p. 291.

REQUIREMENTS FOR HONOURS IN LITERÆ HUMANIORES.

With regard to the Examinations for Honours, the course of classical reading seems to have become more and more limited. Under the Examination Statute of 1801, the circle of subjects included was large and not unworthy of a University. From the year 1807 to 1825 the Students were encouraged to study many works which have now almost entirely disappeared from the University Course, such as Homer, Demosthenes, Cicero, Lucretius, Terence, Plutarch, Longinus, Quintilian. A list of twenty classical authors was not unfrequent even so late as 1827. At present fourteen, thirteen, or even twelve, are sufficient for the highest honours. The authors now usually studied at Oxford, by the most distinguished Students, are: (1.) in Philosophy, —Aristotle's Ethics, with his Rhetoric or Politics, two or three Dialogues of Plato, Butler's Analogy or his Sermons; (2.) in Ancient History,—Herodotus, Thucydides, the 1st or 2nd Decade of Livy, the Annals or the Histories of Tacitus; (3.) in Poetry,—Æschylus, Sophocles, Aristophanes, Virgil, Horace, and Juvenal. The same amount of theological knowledge is required from all alike, whether Candidates for Honours, or for a common Degree.

This statement might, however, by itself, lead to an erroneous estimate of the diligence and the acquirements of the higher class of Students. Such a knowledge of the books required as will satisfy the Examiners implies a considerable amount of reading; and the mode in which the Examination is conducted affords sufficient opportunity to display powers of thought and skill in writing. Some of the books above-mentioned are studied with great care, and with the light which has been thrown upon them by modern research. An accurate knowledge, for instance, of the histories of Niebuhr and of Grote is usually to be found in the higher class of Oxford Students. Still, complete acquaintance with a few books is hardly sufficient to compensate for the loss of the more free and comprehensive reading of the earlier period; nor are the results of the later system altogether satisfactory. The mode in which Moral and Metaphysical Philosophy has been taught has not been such as to encourage a deep and independent study of these subjects. An intimate acquaintance with the Latin poets, such as accomplished Oxford men at the beginning of the present century possessed, is now rare. Scholarship, such as Porson or Elmsley represented, is cultivated by few at Oxford in our day. Skill in Latin and Greek composition is often found wanting in the ablest young men; and the foundation of the Ireland and Hertford Scholarships was intended to check the decline of critical knowledge, and of taste in composition.

UNCERTAINTY IN THE EXAMINATIONS.

It is a common subject of remark in the University, that there has been a great uncertainty in the Examinations, from the absence of steadiness both in the standard by which the Candidates are measured and in the subjects of study encouraged. The numbers of the First Class have ranged from 0 to 13 in Classics, and from 0 to 6 in Mathematics—a variation which it is thought can hardly be accounted for by the fluctuating numbers of the Students, or by the inequality of their attainments and abilities. The Fourth Class, which is intended to stimulate ordinary men, and which is, in great measure, confined to those who aspire merely to pass the Examination, but who are thought to deserve honourable mention, has varied from 8 to 26. The tendency of late years has been to diminish the number of Honours awarded. Thus on the average of the eight years, from 1831 to 1838, as many as 115 candidates obtained Classical Honours; but on the average of the ten years from 1839 to 1848, only 92 names appeared on the Class-lists, notwithstanding that the number of Candidates was greater during the latter period than during the former.

Besides this, particular subjects are encouraged for a time by the known predilection of some influential Examiner, whose successor may attach more importance to others. Thus Candidates are at fault, and the same persons fail at one time who might have succeeded at another. New books are somewhat arbitrarily introduced. For instance, the great importance now attached to the study of the Ethics of Aristotle is said to date from the time when Dr. Sheppard was Examiner in 1806; the admission of Butler's works into the Examinations originated with Dr. Hampden; and the Novum Organon of Bacon was made a text-book only last year. Changes of this kind have often, no doubt, been advantageous; but the manner in which they have been effected is so uncertain, as to suggest the necessity of some systematic supervision of the Studies, and the introduction of some permanent element in the Board of Examiners.

The Examination in "Literæ Humaniores" is the only one which has hitherto been compulsory on all the Members of the University. The subjects which it embraces are also those on which the Examinations for Fellowships turn. It is, therefore, this Examination which determines the literary character of Oxford.

PRESENT STATE OF MATHEMATICAL STUDIES.

The Mathematical Examination was, as we have seen, separated from the Classical in 1807, and has since undergone some modifications. Till the year 1820, the subjects of Examination were chiefly such as admitted of Geometrical treatment; and the Examination was conducted almost wholly vivâ voce. As the various branches of Analysis were introduced into the Examinations, the vivâ voce Examination became of less and less importance, and is now almost a form. In 1828, the plan of printing the questions proposed to the Candidates was first introduced. Its introduction was necessitated by the increasing number of Candidates, and its effect has been beneficial in giving a certain stability to the system of Examinations.

Candidates for the highest Mathematical Honours ordinarily bring up the following subjects:—(1.) Pure Mathematics, including Euclid, Algebra, Trigonometry, Analytical Geometry, Differential and Integral Calculus: (2.) Mixed Mathematics, including Mechanics, Optics, Hydrostatics, and Astronomy. Newton's works have almost ceased to be studied, and Geometrical reasonings are seldom called for. Perhaps the range of study is here too wide; and as accuracy and a thorough understanding of a portion of the subjects is more to be desired and encouraged than a slight acquaintance with all or most of them, we should strongly recommend such arrangement of the Examination Questions as would allow the highest honours to be obtained by Candidates thoroughly acquainted with Pure Mathematics, or with one or two branches only of Mixed Mathematics.

The number of Candidates for Mathematical Honours is very small. As the study of these subjects is, at present, even when most successfully cultivated, almost entirely unproductive of substantial benefit to the Student in securing Scholarships or Fellowships; and as the Professorships of Mathematical Science are so poorly endowed as not to be tenable without other means, it is no wonder that so few Candidates contend for barren honours. We have elsewhere strongly expressed our opinion that these Studies should be encouraged in the only effectual way by appropriating certain emoluments to proficiency in them. Men

who have a natural taste for these Studies would thus be enabled to follow the bent of their genius; the staff of instructors would be increased, the character of the instruction improved, and a constant succession of able Examiners supplied.

It ought to be known that there are, or were very lately, Colleges in Oxford where no Mathematical Instruction whatever was supplied to the Students.

THE CHANGE IN THE EXAMINATIONS EFFECTED BY THE STATUTE OF 1850.

Such is a general view of the State of Study in the University till the enactment of the New Examination Statute in 1850. That measure has not as yet materially affected the condition of the University. But the prospective changes introduced have been so extensive, and are so closely connected with the general subject of our inquiry, that we feel called upon to notice them at some length.

For some years past a feeling of dissatisfaction with the state of the Examinations prevailed in the mind of many Members of the University. In 1846 a Committee was appointed by the Hebdomadal Board to consider the question of an alteration. A Report was drawn up by the Committee, which, however, was ultimately rejected by the Board. On the 3rd of March, 1848, a Memorial agreeing, in the main, with the proposals embodied in that Report, and bearing the signatures of forty-five out of sixty-four College Tutors, was presented through the Vice-Chancellor to the Heads of Houses. It was as follows:—

"The undersigned Tutors of Colleges and Halls beg respectfully to represent "to the Rev. the Vice-Chancellor and the Heads of Houses, the necessity "which they believe to exist for the extension and better arrangement of the "University studies. They wish particularly to call attention to the case of "those who are not Candidates for honours, and to the evil effects which are "produced by the want of an adequate object for academical exertion in so "large a portion of the younger Members of the University.

"They conceive that these evils may be at least partially remedied by an "alteration in the existing Examination Statute. They would beg respectfully "to recommend:—

"1. An Examination corresponding to the present Examination for Respon-"sions, but at an earlier period.

"2. A second Examination in the books, or part of the books, required at "present from Candidates for the Degree of B.A., at some period intermediate "within the first and the final Examination.

"3. A final Examination at the end of the third year for the Degree of "B.A., which shall comprise Theology, Philosophy, History (Ancient or "Modern), or Mathematical and Physical Science."

Under these circumstances the Hebdomadal Board was induced to take the matter again into consideration; and it resolved that a new Statute on the subject should be drawn up. This Statute was proposed to Convocation in the year 1849, and after many revisions, was finally carried in the early part of 1850.

In order to show its bearing on the Studies of the University we subjoin the reasons assigned for its introduction, with a statement of the subjects required from the Students at each of the three Examinations.

The Preamble of the Statute, translated, runs thus: "For various reasons;— "especially that Greek and Latin literature may be more accurately cultivated "amongst us; that by calling the younger Students earlier and more frequently "to a trial of industry, occasions of idleness and sloth may be avoided; that by "the distribution of the plan of the Studies into several Examinations, industrious "youths may attain to greater proficiency in the several departments of polite "literature; that a place may be found for some Studies to which at present "due regard seems scarcely to be paid in the academic course; and finally, "that more abundant fruit may be derived from the lectures of the Professors;— "the University has been pleased to repeal the Statutes decreed on this subject "in A.D. 1830 and A.D. 1840, and to ordain this Statute in their place."

This Statute has now become the law of the University, and has already come into operation as regards the first Examination, or "Responsions," but will not take full effect till the Easter Term of 1853.

We proceed to speak of the Three Examinations in order, so as to show the changes effected, and the improvements intended

I. The First Examination, called "Responsions," instituted (as above stated) in 1808, has acted beneficially on the majority of Students. To young men who come up well prepared from school it offers no difficulties. If, therefore, the number rejected is great (and it amounts sometimes to no less than one-fifth of the candidates), we must infer that the young men have either been ill-taught at school, or have been allowed to forget what they learnt there, rather than that the ordeal itself is severe. Till the year 1850, all that was exacted from a Student at about the middle point of his Academical career, was that he should show a grammatical knowledge of portions of one Greek and one Latin author (as, for instance, four Greek plays, and half of Horace), and an acquaintance with three books of Euclid, or with part of Aldrich's Compendium of Logic. He was also required to translate a passage of English into Latin, an exercise which in most cases was very ill performed.

I. THE RESPONSIONS AS ALTERED IN 1850.

We now reprint a paper, issued, as was understood, by the present Vice-Chancellor, containing a list of the subjects to be required of Candidates at the Responsions, under the new Statute.

First Examination or Responsions.

SUBJECTS REQUIRED FOR THE FIRST EXAMINATION OR RESPONSIONS, BY THE STATUTE OF 1850.

Every Candidate will be required to offer to be examined in:—

1. *One Greek Author*, which may be selected from the following:
   - Homer—Five Books.
   - The Dramatists—Any two Plays.
   - Herodotus—Two Consecutive Books in the 1st vol.; or three ditto in the 2nd vol.
   - Thucydides—Any two Consecutive Books.
   - Xenophon Anabasis—Four Books.

2. *One Latin Author*, which may be selected from the following:
   - Virgil—Georgics, or
     Bucolics and Three Books of the Æneid, or Five Books of the Æneid.
   - Horace—Any three Books of the Odes, (regarding the Epodes as a Book of the Odes) and De Arte Poetica, or
     Satires and De Arte Poetica, or
     Epistles and De Arte Poetica.
   - Juvenal—The whole, except the 2. 6. 9. Satires.
   - Terence—Any three Plays.
   - Livy—Any three Consecutive Books.
   - Sallust—Bell. Jugurth. and Catil.
   - Cicero—In Verrem I. and II. or
     Catiline Orations four, or
     Any four other Orations, or
     Two Books of the De Officiis, or
     Three Books of the Tusculan Disputations, or
     De Amicitia and De Senectute.

3. *Euclid*—Books I. II.
   or
   Algebra—to Simple Equations inclusive.

4. *Arithmetic*, viz.:
   - Vulgar Fractions.
   - Decimal Fractions.
   - The Rule of Three.
     And their Application.

[Translation of English into Latin is to be retained as before.]

The first Responsions under the *new Statute* will commence on Monday the 3rd of Feb. 1851, when all the Candidates will be required to go into the Schools for the Translation into Latin, and for Questions in Euclid, &c.

The last Responsions under the *existing Statute* will commence on Wednesday the 19th of Feb. 1851.

The improvements effected in the Responsions are, that the Examination is to be passed at an earlier period; that Arithmetic and Algebra are introduced in place of the very insufficient acquaintance with Logic before required; that the same papers deliberately drawn up are to be set to all Candidates; and that the same books must not be presented again at future Examinations. The quantity of text required, is indeed diminished; but the improvements just mentioned will make the Examination really more effective.

The Second or Intermediate Examination.

II. THE SECOND OR INTERMEDIATE EXAMINATION, FIRST ESTABLISHED IN 1850.

II. The Second or Intermediate Examination, called the "First Public

"Examination," is entirely new. We reprint a paper, explaining its requirements, similar to that given in the case of Responsions.

The Statute directs that each Candidate be examined in:—

I. *The Four Gospels*, with special reference to an accurate knowledge of the Text.

II. *One Greek* and *one Latin Author, at least*, of which one must be a Poet, the other an Orator; but not the same Authors as were offered for the Responsions, unless in the case of Candidates who offer to be examined in four Authors at least, *e. g.*,

In Greek:

HOMER—Iliad, or Odyssey, six Books.
THE DRAMATISTS—Any three Plays of Æschylus, Sophocles, Euripides, or Aristophanes.
PINDAR—Olympic and Pythian Odes.
DEMOSTHENES—
De Corona,
or Olynthiacs with Philippics,
or Olynthiacs with the Meidias,
or any other Orations of equal length in the aggregate.
ÆSCHINES in Ctesiphontem.

In Latin:

VIRGIL—Ecl. and Georgics,
or six Books of the Æneid.
HORACE—
Odes and Epodes, and Ars Poetica,
or Satires and Epistles, and Ars Poetica.
TERENCE—Any four Plays.
JUVENAL—The whole, except Satires 2. 6. 9.
CICERO—
In Verrem I., II.,
or In Catilinam I.—IV., with In Murænam,
or Pro Lege Manil., Archia, Milone,
or any other Orations of equal length in the aggregate.

[III. *Translation into Latin*:]

IV. *Logic*,
or *Euclid*, three Books, *with the First Part of Algebra.*

Candidates for the higher Honorary Distinction in *Literæ Humaniores* may be expected to offer to be examined in *Four* Greek and *Four* Latin Authors; including primarily Homer and Virgil, Demosthenes and Cicero, *e. g.*,

HOMER—Iliad, or Odyssey, twelve Books.
ÆSCHYLUS—Any five Plays.
SOPHOCLES—Any five Plays.
EURIPIDES—Any six Plays.
ARISTOPHANES—Four Plays.
PINDAR.
DEMOSTHENES—
De Corona, with Æschines In Ctesiphontem,
or De Corona, with Olynthiacs and Philippics,
or In Leptinem, Meidiam, Aristocratem,
or other Orations of equal length in the aggregate.
THUCYDIDES—Any four consecutive Books.
HERODOTUS—Any five consecutive Books.
VIRGIL.
HORACE.
LUCRETIUS.
TERENCE—Four Plays.
PLAUTUS—Four Plays.
JUVENAL—The whole, except Satires 2. 6. 9.
CICERO—Orations against Verres,
or any eight other Orations of equal length in the aggregate.
TACITUS—Six first Books of the Annals,
or the Histories.
LIVY—Any six consecutive Books.

Candidates for the higher Honorary Distinction will be examined in Logic.

Candidates for Honorary Distinction *in Disciplinis Mathematicis* will be examined in *Pure* Mathematics.

[Translation into Latin and Greek is required of Candidates for Honours, and the writing of Greek and Latin verses encouraged.]

The intention of this New Examination was, in the case of Candidates for Honours, to promote accurate and elegant Scholarship, and to divide the labour which had before been accumulated at the Final Examination. It was also expected that the institution of this additional Examination would promote industry during the second year.

The names of all Candidates thought worthy of distinction, are to be arranged in Two Classes, the alphabetical order being followed in each Class. The names of Candidates who have merely satisfied the Examiners, are to be printed in a third Class, also in alphabetical order.

III. THE FINAL EXAMINATION, AS ALTERED BY THE STATUTE OF 1850.

III. The new Final Examination does not come into operation till 1853. In the absence of official information we give the following summary of that part of the Statute which refers to this Examination, with some conjectures as to the text books, and the extent of the knowledge likely to be required:—

The Final Examination really implies two distinct Examinations which are to be passed before different Examiners. Every Candidate for the Degree of Bachelor of Arts, is required to pass in two out of four "Schools," one being necessarily the School of "Literæ Humaniores." These two Examinations, however, need not take place in the same Term. In every one of these Schools Candidates of superior attainments are to receive Honours. They will be distributed, according to their merit, into four Classes. The names are to be placed, in each Class, in alphabetical order. The Examinations may be passed as early as the thirteenth term, and Honours may be obtained as late as the eighteenth; that is, as early as the beginning of the fourth, and as late as the middle of the fifth year from matriculation.

(1.) The *First School* is that of "Literæ Humaniores," through which every Student must pass.

Subjects for Candidates for Common Degrees:—

Theology—The Four Gospels, and Acts of the Apostles, in Greek.
The contents, historical and doctrinal, of the Books of the Old and New Testament.
The XXXIX. Articles, with proofs from Scripture.
The Evidences of Religion.

Classical Literature—One Ancient Philosophical writer, wholly or in part, *e. g.* Cicero's Offices, or six Books of Aristotle's Ethics.
One Ancient Historian, wholly or in part, *e. g.*, five Books of Livy.

Subjects for Candidates for Honours:—

Theology—as above. Candidates are also permitted to offer one or more of the Apostolical Epistles, or some portion of Ecclesiastical History.

Logic.

Moral Philosophy and Political Science.
Aristotle's Ethics.
Politics.
The Republic, or some other portion of the Works of Plato.
Butler's Analogy; or
Butler's Sermons.

Ancient History—Livy, ten Books.
Polybius, one Book.
Tacitus, Histories or Annals.
Herodotus.
Thucydides.
Xenophon, Hellenics in part.

Rhetoric—Aristotle's Rhetoric, or some of Cicero's Rhetorical Works.

Questions will be proposed in the subject-matter of the Books, and Compositions required in Greek, Latin, and English. The list of Books may be greatly extended if the Candidate shall think fit, or diminished if he shall aim only at a lower honour.

(2.) The *Second School*—Mathematics, and Physical Science treated mathematically.
For common Degrees:—Six Books of Euclid, or the first part of Algebra.
For Honours:—Mixed as well as Pure Mathematics.

(3.) The *Third School*—Natural Science.
For common Degrees:—An acquaintance with the principles of Chemistry, Mechanical Philosophy, and Physiology, or two of these Sciences, together with some branch of Science dependent on Mechanical Philosophy.
For Honours:—An acquaintance with the principles of all the Three branches of Natural Science above mentioned; together with some branch of Physics dependent on any one of these Three.

(4.) The *Fourth School*—Law and Modern History.
For common Degrees:—English History, from the Conquest to the end of the reign of Henry VII., together with that part of Blackstone which treats of the law of Real Property; or English History from the death of Henry VII. to the accession of the House of Brunswick, together with that part of Blackstone which treats of the rights of Persons and the law of Personal Property. Justinian's Institutes may be substituted for Blackstone. The most approved edition of Blackstone to be used.
For Honours:—Candidates must take up what is required, as above mentioned, for a common Degree. History, from the Birth of Christ to the year 1789; Jurisprudence, and especially the Laws of England; the Law of Nations; Adam Smith's Wealth of Nations.

GOOD EFFECTS OF THE STATUTE OF 1850.

The changes effected by the new Statute meet the suggestions offered in many parts of the Evidence laid before us, and obviate many of the defects of the system hitherto in force. The licence to idleness is curtailed, the subjects of study are increased in number, and a wider range of choice is given. The intermediate Examination provides for a free study of classical literature, for the restoration to their proper place of the great orators and poets of antiquity, and for the cultivation of taste. Many principles of the highest importance are formally recognised, if not fully developed, in the Statute.

DEFECTS OF THE STATUTE OF 1850.

But we must observe that the recent changes, although anxiously desired by a large proportion of those engaged in the work of Education, were yet, in the first instance, rejected by the Heads of Houses; and, after they had received the approval of that body, met with great opposition in Convocation, partly, no doubt, from the aversion of a large number of its Members to any changes; but partly from the necessity of removing defects in the measure, which compelled many of its supporters to vote in the negative, inasmuch as they had no power to move amendments.

IMPROVEMENTS SUGGESTED.

It cannot then be a matter of surprise that a measure thus carried should contain imperfections and anomalies. And, although reluctant to criticise a scheme of which we appreciate the value, we feel it to be our duty to indicate some points in which the University, proceeding in the course on which it has so auspiciously entered, might, in our opinion, make further improvement.

I. PROPOSAL TO ESTABLISH A MATRICULATION EXAMINATION.

I. It appears to us, that it would be very beneficial to establish a uniform Examination for all young men before they are admitted as Members of the University.

The recent Statute has made an approach towards this great improvement, though it has shrunk from carrying it out. The Responsions, or First University Examination, which formerly was to be passed between the sixth and the ninth terms of standing (inclusively), must now be passed between the third and seventh.

The advantage of an Examination before Matriculation may be at once inferred from the fact that the best Colleges have already adopted it for themselves. These Colleges require some facility in Latin writing, and a fair acquaintance with the grammatical principles of Greek and Latin. To this is now generally added Arithmetic and a portion of the Elements of Euclid. Several Colleges also require some knowledge of the Elements of Religion.

This ordeal, however, varies greatly in the different Colleges in which it is applied, and perhaps in the same College at different times. It is well known that a youth who is rejected at one of the better Colleges can gain admission elsewhere, the scale of requirement descending in proportion to the character of the College. From Gentleman-Commoners and Noblemen, and from Members of Halls, such an Examination is usually not required at all.

The introduction of this test has proved a great benefit to the Colleges in which it has been systematically applied; but the extreme facility, with which young men are admitted in many Societies, prevents the University at large from reaping the benefits which now accrue to particular Colleges.

Evidence of Dr. Twiss, p. 156. Compare that of Mr. Congreve, p. 153.

One or two gentlemen, in their evidence, oppose any such Examination, on the ground that Students come to the University as learners, and therefore "ignorance rather than knowledge must be presumed on the part of those who "come to be taught." No doubt Students come as learners, but not as learners of everything; and it is precisely to secure learners capable of receiving the instruction proper to their age, that an Examination at Matriculation is required. The advantages of such an Examination, especially when considered in connexion with the extended studies of the University, are set forth by a great number of those who have laid evidence before us.

Evidence, p. 23. Compare the evidence of—
Prof. Browne, p. 6.
Prof. Daubeny, p. 15.
Prof. Walker, p. 22.
Mr. Jowett, p. 39.
Prof. Ogle, p. 41.
Mr. Melville, p. 54.
Mr. Bart. Price, p. 65.
Mr. Wilkinson, p. 77.
Prof. Vaughan, p. 84.

The arguments of Archbishop Whately appear to us very cogent. "As "far as regards University Reform," says the Archbishop, "I have long been "convinced that the very first step should be a University Examination, pre-"liminary to Matriculation.

"If everything else be put on the best possible footing, and that one point be "omitted, you will have a plan which will look well on paper, but will never "work satisfactorily.

"If, on the other hand, this one reform were introduced and no other at

" present, it would be easy afterwards to introduce indefinite improvements: " indeed, some would even grow up from it spontaneously.

Mr. W. H. Cox, p. 95. Prof. Donkin, p. 107. Sir C. Lyell, p. 121. Mr. Freeman, p. 136. Sir E. Head, p. 160. Mr. Litton, p. 177. Mr. Maskelyne, p. 186. Mr. Bon. Price, p. 192. Mr. Heuney, p. 211. Bp. of Ripon, p. 213.

" A Head of a House may accept or refuse an application for admission into his " House. This is quite fair. But if a man is to be a Member of the University, " the University ought also to have a voice as to his fitness for admission.

" I have been told that a man is examined by the College-Tutors prior to " admission. Sometimes he is, and sometimes not; and when he is, how can " the University know or judge of the sufficiency of the Examination?

" The fact is notorious, that men do obtain admission (at one College, if " refused by another), who are quite unprepared to profit by what ought to " be an Academical Education. . . . . .

" Fresh and fresh Examinations have been introduced for various periods " of the Academical Course; but all must in a great measure fail without the " preliminary one. It would be no substitute, were you even to have a Public " Examination for the very first Term. The only way is to subject a man to " Examination prior to his entrance.

" The evils of this want are:—1st. That either the general character of the " College Lectures is lowered by being made such as would suit schoolboys of " fourteen or fifteen; or else a large portion of the Students cannot profit by " them, from being too backward. And both these evils exist more or less in " most Colleges. 2nd. The character of the University Examinations is " lowered. For you can never find Examiners who will publicly reject above " one-half or one-third of the Candidates, which they would be forced to do if " they required such a proficiency as ought to be expected of any one who had " studied three years at a real University. Therefore they lower their standard " to meet the case of those who have entered unprepared.

" The introduction of a preliminary Examination would be an inestimable " stimulus to Schools. They would then become more what a School ought to " be, and the University would, instead of being a School (and a very poor one), " become a real University. Schoolmasters are tempted now to bestow most " of their care on a few bright lads, who are likely to gain distinction. And " there is no salutary dread of the disgrace of having one of their Pupils " refused admission at the University. But if there were this danger, they " would feel ashamed to send forth a lad of seventeen or eighteen, who could " not give some account of the New Testament . . . of three or four books of " Euclid, and of three or four easy Greek and Latin books."

If it were necessary to appeal to ancient precedents, the rules laid down by the illustrious Founders of New College, Oxford, and King's College, Cambridge, for the admission of Students into those Societies might be quoted. A more cogent argument, however, may be found in the fact, that Examinations at entrance are becoming general in all places of higher instruction. They are established at Trinity College, Dublin, at the new Universities of London and Durham, at Haileybury and at Addiscombe, and at the new Queen's Colleges in Ireland. In the face of this general practice, it is not probable that the University will long continue to receive pupils without endeavouring to discover whether they are fit to receive the education which it offers or ought to offer.

OBJECTIONS TO A MATRICULATION EXAMINATION.

It may be objected to this recommendation, that inasmuch as numbers are an element of greatness, the University by adopting such a measure would hazard the loss of some portion of its present power and influence. It is indeed feared that those who were unable to meet the requirements of this Preliminary Examination would seek education elsewhere; and it might be rash to incur such a risk, were it not for the hope that by changes which we shall recommend in other parts of our Report, the inducements to frequent the University will be rendered stronger and more numerous, and that consequently the number of candidates possessing natural abilities, and willing to exert those abilities, will become greater.

It may be said that many young men, who are likely to be influential from their wealth and station, would be excluded from the University by this Examination. But to this it is well answered by Mr. Bonamy Price, that " it is " unjustifiable to give up a very great benefit for the sake of those who, if unimprovable, deserve no sympathy. But in truth (he adds) the desire of these " persons to go to College is so great, it is so thoroughly expected of their class " in society, that these are the very men who would be sure generally to " qualify themselves to pass an Examination on entrance with success."

Evidence, p. 192.

As by Dr. Twiss, Evidence, p. 156.

Evidence, p. 24.

Or it may be argued that some persons who come up to the University very ignorant, and afterwards gain high distinction, would be shut out by this Examination. "But," as Archbishop Whately rejoins, "such men would not "be permanently excluded; for a young man of superior ability would have "no difficulty in preparing himself in a year's or a half-year's study for the "entrance Examination; so that at the expense of a very short delay he would "enter the University under much less disadvantage."

Compare Evidence of Mr. Jelf, p. 185.

We attach more weight to the objection, that such a regulation might affect some worthy men, who have not had the advantage of a good classical education, and are not quick enough to repair their deficiency in a short time. Our opinion is that the subjects for this Examination should be nearly the same as those now enjoined at Responsions; but from such persons as we have just mentioned, the power of Latin writing could not perhaps be expected, as it fairly may, from the Scholars of our Grammar Schools. In such cases it might be deserving of consideration whether the Examiners should not be authorised to allow failure in this branch to be compensated by considerable proficiency in another, as, for example, by a knowledge of the Elements of Mathematics, to the extent of six books of Euclid. Such acquirements in Mathematics would prove that the Student was a person of some diligence and mental power.

By Professor Wall, Evidence, p. 148. Compare that of Mr. Scott, p. 112.

Lastly, it is objected to this Examination that it must fail in securing its object; because, to avoid excluding many persons who ought to be at the University, the standard must be made so low as to exclude none; to prevent its doing harm, it must be made incapable of doing good. We do not think this difficulty insurmountable. We are of opinion that, in order to prevent the standard from being kept so low as to offer no terrors to the dull or ignorant, it would be advisable to print the names of those who pass in two divisions,—the first containing those who have passed creditably, the second those who have merely passed. This would act as a healthy stimulant on the Grammar Schools. To many an honour at the outset of their academical career, though slight in itself, would be valuable; whilst all who were tolerably well prepared and possessed of fair abilities will be certain of admission.

We fully concur, therefore, in the general opinion expressed in the Evidence, that the University, and, we may add, the country generally, would be greatly benefited by the requirement of an Examination to be passed by all who present themselves to be matriculated.

LIBERTY OF CHOICE IN SUBJECTS OF STUDY DURING THE LAST YEAR.

II. The second defect which we have to notice in the Statute of 1850 relates to the Final Examination. The Statute has admitted the necessity of affording some liberty of choice to the Student with regard to the subjects which he is to pursue during the latter part of his course. We are of opinion that this liberty should be extended.

All Students will henceforward be permitted to choose at pleasure the special Studies of Law and History, of Mathematical Science, or of Natural Science; but previously to his Examination in any of these branches, each Candidate for a Degree must still present himself in the School of Literæ Humaniores, to be there examined in Classics for the third time, as well as in Philosophy and History.

No doubt this restriction was maintained in consequence of an opinion which has long prevailed at Oxford with regard to the nature of a liberal Education. It has been held to be the sole business of the University to train the powers of the mind, not to give much positive or any professional knowledge; and the study of Classical Books is regarded as the best means of refining and invigorating the mind. The Education given has hitherto been the same for all, whether clergymen or barristers, medical men or private gentlemen. It has been limited to such subjects as were presumed to be common to all these kinds of life; and no one has left Oxford, under the system hitherto pursued, much more fitted for one profession than for another.

A different Theory of Education prevailed at the time when the ancient Statutes were drawn up. In those days, as we have already shown, youths usually came to the University at a very early age, and staid there many years. At first they found it a mere Grammar School, but afterwards a place where all the knowledge of the Age might be deeply studied. At the present day young men come into residence at a much more advanced age, and yet the University is for the majority of them a mere Grammar School from first to last.

In the times of Lord Bacon, the complaints were exactly opposite to those which are now made. "Among so many great Foundations of Colleges in "Europe (he says) I find it strange that they are all dedicated to Professions, "and none left free to Arts and Sciences at large. . . . . If any man think "Philosophy and Universality to be idle studies, he does not consider that all "Professions are from thence served and supplied." We have no desire that professional Education, in the strict sense of the word, should be given in Oxford. But the University has long been moving into the opposite extreme, and it has been a serious loss, both to Oxford and to the learned Professions, that the Studies which would prepare young men to enter on professional life should have been so completely neglected.

Bacon's works, "Advancement of Learning," vol. ii. p. 93, ed. Montagu.

Now the Statute of 1850 was an effort in the right direction; but its present regulations, which still retain the compulsory study of the Literæ Humaniores to the end of the course, will scarcely remedy the evil. At present not only have the studies preparatory to the Professions of Law and Medicine ceased to be followed in the University, but even Theology has suffered.

EFFECT OF THE PRESENT SYSTEM:

It is important to note the extent to which all separate branches of learning, both Professional and preparatory to Professions, have been suffered to decay; nor do we believe that any measures which the University has as yet adopted are sufficient to remedy the evil.

ON THEOLOGICAL STUDIES;

Oxford still educates a large proportion of the Clergy; but learned Theologians are very rare in the University, and, in consequence, they are still rarer elsewhere. No efficient means at present exist in the University for training Candidates for Holy Orders in those studies which belong peculiarly to their profession. A University training cannot indeed be expected to make men accomplished Divines before they become Clergymen; but the University must be to blame if Theological studies languish. Few of the Clergy apply themselves in earnest to the study of Hebrew. Ecclesiastical History, some detached portions excepted, is unknown to the great majority. The history of Doctrines has scarcely been treated in this country. It may be safely stated that the Epistles of St. Paul have not been studied critically by the great bulk of those in Orders. It is true that the English Church has produced great Divines, and may boast at this moment of a body of Clergymen perhaps more intelligent and accomplished than it ever before possessed. But they might well acquire more learning. We hope that the Theological School of Oxford may yet be frequented by earnest Students, as of old; so that many among her sons may gain a profound acquaintance with the history and criticism of the Sacred Books, and with the external and internal history of the Church.

ON MEDICAL STUDIES;

Oxford has ceased altogether to be a school of Medicine. Those few persons who take Medical Degrees there with a view to the social consideration which these Degrees give, or the preferments in the University for which they are necessary, study their profession elsewhere. This may result from causes for which the University is in no way to blame. But the University is blameable for the little encouragement which, even considering all it has done by its recent improvements, it has as yet given to those Physical Sciences which Medical Students ought to learn before they begin their strictly Professional course.

ON LEGAL STUDIES.

The connexion of Oxford with the Profession of the Law is also unsatisfactory. The number of barristers not educated at either University is increasing; and of those who have graduated, the majority are of Cambridge. Many other causes may have contributed to this result. It may indeed be said that Oxford was never actually connected with any branch of the legal profession, except that which practised in Ecclesiastical Courts, and that no one can wish to revive the study of the Canon Law. This is true, but the study of the Civil Law, which occupies so large a place in the Statutes both of the University and of the Colleges, ought not to have been allowed to fall into complete desuetude. Under an improved system young men might be efficiently assisted in Oxford in the attainment of much knowledge directly serviceable in training a young lawyer for his profession.

NECESSITY OF RESTORING A CONNEXION BETWEEN THE UNIVERSITIES AND THE LEARNED PROFESSIONS.

In our printed papers we proposed for consideration the question, whether "the Studies of the University might be so regulated, as to render them at "some period of the course subservient to the future pursuits of the Students." We have received a great number of answers concurring in the affirmative.

It is not recommended that the University should be made a place of Professional Education, at least not for Law and Medicine. But it is suggested that if its Students cannot be made Lawyers and Physicians in Oxford itself, they may there be taught much that would prepare them for the strictly Professional Studies to be pursued in the great towns, where these professions are practised. These views are clearly and forcibly stated by Professor Vaughan:—

Evidence, p. 85.

Compare that of—
Mr. Lowe, p. 12.
Archb. Whately, p. 25.
Mr. Grove, p. 20.
Mr. Bart. Price, p. 63.
Mr. Wilkinson, p. 78.
Mr. W. H. Cox, p. 95.
Sir Chas. Lyell, p. 120.
Professor Wall, p. 149.
Sir Edm. Head, p. 160.
Mr. Litton, p. 178.
Mr. Bon. Price, p. 195.
Mr. Merivale, p. 201.
Mr. Henney, p. 210.
Dr. Macbride, p. 221.

"As to making the academical course more directly subservient to the "future career of Students, I conceive that a *real comprehension* of all the "different branches of knowledge, such as will not only permit, but encourage "them, will effect this purpose, so far as it is wise to do so. There is much in "medical and in legal studies, which cannot be effectually taught at the Uni-"versity; so also of Engineering, Agriculture, Politics, &c. But there is not "one of these professions for which the University will not very effectually "educate in the most essential and fundamental particulars, if she do but "heartily and faithfully carry out the system which she has recently esta-"blished. As society is constituted for the present, I see no necessity for more "than this. It is one peculiarity of our social condition, that we have too "much rather than too little time to learn the specialities of the higher "branches of professions; and it has hitherto been the evil of our system of "education, that a good foundation in general knowledge has not been laid, "through which those specialities can be approached effectively, and in a "liberal spirit. A physician might well learn Chemistry, Physiology, Me-"chanics, Botany, and Natural History, and Anatomy, at the University, and "the rest of his profession could be imparted to him in the London Hospitals, "and Medical Schools. Hitherto the study of Therapeutics, Pathology, &c., "has been learned in London, along with sciences which should have been "known before the commencement of a purely professional life. I confess that "in my opinion the present University scheme (liberal as it is comparatively) "is still deficient, in not having emancipated the Final Examination more com-"pletely from Classical and Theological studies as compulsory upon all. Nor "do I think, until this is done, much will have been practically effected in "Physical, Historical, and Mathematical instruction. I advocate these studies, "not merely, nor indeed by any means chiefly, as subservient to a future "practical career, but also as most wholesome and valuable gymnastics of the "mind, infinitely valuable as a part of education."

We have already stated that the recent Statute made some advance towards this end. The changes introduced by it were in some measure a return towards the ancient distinction between the Faculty of Arts and the higher Faculties of Theology, Law, and Medicine. But the principle recognised is as yet imperfectly carried out. As we have before shown, every Student must at his Final Examination pass through two schools, one of which may be that of Law and History, or that of Mathematics, or that of Natural Science, the other must be that of "Literæ Humaniores."

RECOMMENDATION TO RESTORE THE CLASSIFICATION OF THE HIGHER BRANCHES OF STUDY UNDER DIFFERENT SCHOOLS.

The obvious mode of amending this scheme would be to enact that all Students after giving satisfactory evidence of classical knowledge at the Intermediate Examination, should be relieved from the necessity of continuing the studies of the Grammar School, and should be at liberty for the latter period of their career, to devote themselves to pursuits preparatory to their future Professions. Such an amount of knowledge of the rudiments of Religion, as may be fairly expected from any person who has received an academical education, would be transferred from the Final to the Intermediate Examination. To this end it seems to us that the University might with the best results institute a division of Studies, with corresponding Examination Schools, such as would better accord with the freedom of choice which should, as we think, be left to the Student, after the Intermediate Examination to be passed by all alike.

We are anxious to repeat what we have already stated, that any suggestions in a matter so entirely within the control of the University as the arrangement of its Studies, must be understood merely as indications of the general course which in our opinion it ought to pursue. Without wishing, therefore, minutely or peremptorily to lay down a system, we have drawn out such a scheme as would show the division of subjects which we think desirable.

I. The School of Theology, comprising the study of the Scriptures in their original languages—Ecclesiastical History and Antiquities—Dogmatic Theology—Pastoral Theology.

II. The School of Mental Philosophy and Philology, to be divided into two Departments:
  (1) That of Mental Philosophy, comprising the analysis of the Moral and Intellectual powers, the principles of Taste and Art, and the History of Philosophy.
  (2) That of Philology—in which the Student may be examined in Greek and Latin, or the Oriental and Modern European Languages, or in Comparative Philology.

III. The School of Jurisprudence and History, including Political Economy.

IV. The School of Mathematical and Physical Science, to be also divided into two Departments:
  (1) That of Pure and Applied Mathematics.
  (2) That of Physical Science, which should be devoted chiefly to the three Fundamental Sciences of Mechanical Philosophy, Chemistry, and Physiology, but should include also all the Sciences subordinate to these three.

I. PROPOSED SCHOOL OF THEOLOGY.

I. According to this suggestion, Theology would after the second Examination be separated from the Literæ Humaniores, so as to become in practice, what it has always been in theory, a distinct Academical Faculty.

The Statute of 1850, though in most branches of study it has made great improvements, has done little for Theology. The same kind and the same extent of knowledge is still to be required from Clergymen and Laymen. It is true that permission has been given to Candidates for Honours in the School of Literæ Humaniores to bring up the Apostolical Epistles, and some portion of Ecclesiastical History; and that a larger knowledge of the Bible is henceforward to be required. This is so far good; and of itself it involves a confession that what has hitherto been demanded of persons destined for Holy Orders is not sufficient.

But it has been already stated that Theological teaching, as such, does not thrive in the University, and that (to say the least) the Professorships, so richly endowed for its support, produce no results commensurate with their emoluments.

FAILURE OF THE AMENDMENT ATTEMPTED IN 1842.

An attempt was made to give reality to this Faculty by a Statute passed in 1842, which proposed to establish Lectures and Examinations in Theology, for those who had already taken the Degree of B.A. This Statute contained some excellent provisions; but it has failed, as might have been foreseen. It was rendered obligatory on none; and attendance on the Lectures involved longer residence, and therefore additional expense, without conferring any equivalent advantages. If the Examination thus instituted were made available for the Degree of B.A., if it opened an avenue to University distinctions, if it were likely to prove a recommendation for College Fellowships, no doubt an instant demand would arise for Theological Lectures. This demand would call the Professors into more active Academical life. From any measure giving the distinct encouragement to this study which we propose, combined with a general improvement in the Education of Oxford, we might hope for a great Theological School, which would render the University independent of foreign talent and industry, and help to secure it against those conflicts of opinion to which of late years it has been exposed.

OBJECTIONS TO OXFORD AS A PLACE OF THEOLOGICAL STUDY.

Evidence of
Mr. Jowett, p. 39.
Mr. Scott, p. 113.
Mr. Lake, p. 169.

Some of the Oxford Graduates who are destined for Orders seek instruction at the recently-established Theological Schools of Durham and of Wells. In the case of many Students, such a separation from old associations is thought to be beneficial. This motive for quitting Oxford will we hope be diminished, when measures shall have been adopted for reducing the expenses and increasing the studiousness of Undergraduates.

REASONS FOR MAKING IT SO.

There are many considerations which seem to recommend the University as a seat of Theological Education. The greatness of the Institution acts, even as things are now, as a safeguard against the permanent occupation of its whole atmosphere by the opinions of particular schools and parties; and, if the

energies of the University should be further developed, the admixture of other Professions and other Studies will tend to prevent the formation of that exclusively Ecclesiastical character in the Clergy, which, by dividing their views and interests from those of the Laity, exercises a mischievous influence over the relations of the Church and the Nation. But while we are desirous that the Ministers of the Church should be fully instructed in matters properly belonging to their profession, it would be desirable, we think, that they should be compelled also to enter another School. The habit of investigating God's works and the operation of His Laws, whether in the mental or physical world, or the study of the actual History of Mankind, would, we believe, do much towards correcting the narrow spirit in which Theology is too often studied. And, as Candidates for the Ministry of the Church are not required, like those destined for other professions, to enter upon a technical education after they leave Oxford, it may be reasonable to expect that, in many instances, they should reside somewhat longer, in order that they may be enabled better to pursue those collateral studies to which we have just alluded.

II. PROPOSED SCHOOL OF MENTAL PHILOSOPHY AND PHILOLOGY, WITH ITS TWO DEPARTMENTS.

II. The second School which we think ought to be constituted out of the vast mass of matter, which now goes under the name of Literæ Humaniores, is that of MENTAL PHILOSOPHY AND PHILOLOGY. This School we propose to divide into two Departments, which are sufficiently designated by its double title.

1. SCHOOL OF MENTAL PHILOSOPHY.

1. The department of Mental Philosophy would, of course, be chiefly occupied with an investigation of the laws which regulate the mind, its powers, operations, and affections. We have placed this school in union with Philology, partly because there is a close connexion between the study of the mental processes, and of language as the exponent of these processes, and partly for reasons of convenience; but we are well aware that there is no subject of academic instruction which is not more or less connected with the study of human mind; and it is on account of its bearing on the entire range of Oxford Studies, that we consider the establishment of such a school highly important. We recommend it with the hope that the Theological Student may have the opportunity of better preparation for entering on the abstruse questions of Divinity which relate to the attributes of God, and the nature and condition of man; the Student of Jurisprudence and History for examining into the principles of Duty and Obligation, of Liberties and Rights; the Mathematician and Natural Philosopher, for ascertaining the foundations on which their sciences rest, and for understanding the connexion of their demonstrations with their axioms and definitions, with their facts and hypotheses; and, above all, the Student of Human Physiology, for his investigations into the nature of sensibility and the active powers, which suggest at every step questions regarding the operations of the mind.

The University of Oxford has long professed to consider some portion of Mental Science as necessary to a liberal education, by requiring Logic as an indispensable part of the final Examination; so much so, that, till the recent Statute, no one could present himself for Examination even in the Mathematical School without first proving himself, in some sort, a Logician. But the Logic of Oxford, though it presumes of course some knowledge of the mental powers, and some acquaintance with metaphysical language, has scarcely emerged from the obsolete Philosophy of the Mediæval Schools, and has served rather to promote than to destroy the dominion of spurious science. The investigations of modern Philosophers were indeed admitted as legitimate matter for Examination by the Statute of 1830, but the text-book of Logic employed is still substantially the same as those used when the Laudian Statutes were passed; and deviations from the ancient system depend not so much on the authority of the University or its Professors, as on the will of individual Examiners and the discretion of Private Tutors. These statements are corroborated by Mr. J. M. Wilson, Professor of Moral Philosophy. "I have "not (he says) known any Public Examiner of late years, who has not expressed "disappointment and dissatisfaction on first reading over the Logic and Ethic "Papers of the Candidates for Honours. . . . The feeling is, that the "mode in which these subjects are studied has rather a pernicious effect, than "otherwise, on the mind of the Student. . . . My own impression, when "I was Examiner, was, that the time given to these subjects, in by far the "greater number of cases, was entirely thrown away." He then proceeds to detail the causes which have led to this state of things, namely, the want of

Evidence, p. 262.

proper Examiners, the narrow sphere within which the subject is studied, and the mass of difficult matters which are grouped together under the name of Literæ Humaniores.

Mr. Wilson's remarks on the mode in which Moral Philosophy has been studied are very similar:—"I am decidedly of opinion that the subject as it "is now taught is far more difficult and repulsive to the beginner than it "[need be]. . . . The Student who first enters on the study of Moral "Philosophy in the Ethics of Aristotle is doubly embarrassed; the thoughts "are new to him, and he encounters them for the first time, not only in a "foreign tongue, but under very obscure forms of expression, for which it is "often difficult to find the exact equivalent in his own language." Evidence, p. 163.

Oxford has been often censured for opposing, or at least not promoting, the study of external nature. The charge till very lately could hardly be denied. But we hope that the Statute of 1850 will do much towards removing this reproach. At the same time we are anxious that the University should not, in encouraging Physical Science, discard that which she has hitherto professed to place in so prominent a position. "It is deeply to be desired," says Professor Vaughan, "that all the laws of nature, mental no less than "physical, should be investigated and taught at Oxford. The University has in "her system too much ignored the latter, and she has dealt with the former in "an exclusive and timid spirit. I do not mean to assert that this has been "done consciously, and I am aware that the recent cultivation of Physical "Science has rather led to the impression with many that Mental Science "occupies a region too dark for the operations of the human intellect. But "I trust that no changes made in our system would be based on such an "assumption." Evidence, p. 87.

2. The second department of this School, would be that of Philology, or the study of Language. 2. SCHOOL OF PHILOLOGY.

According to the present practice of the University, Language (as such) can hardly be said to have formed a distinct subject of academical study. The Candidate for the highest honours in the School of Literæ Humaniores presents a number of Greek and Latin books which are often very accurately read, and he is able perhaps to translate and explain the books which he has placed on his list. But it not unfrequently happens that the same youth, if required to translate off-hand a passage of common Greek which he has never seen before, commits great errors, and also shows by his translations of English into Latin and Greek that he has a very imperfect acquaintance with the principles of language. Yet it is hard to deny Honours to one who has exhibited considerable capacity and industry in the aggregate of his work, because he has failed in this particular. To remedy this defect, special Scholarships have been established for the encouragement of criticism and composition, which have answered the desired end with regard to a small portion of the Students; and it was with the same view that in the second Examination, instituted by the recent Statute, particular stress was laid on the knowledge of Language. We hope that, by establishing an Examination at Matriculation, and by ordering every Student to be examined, at an earlier period, in most of the books now reserved for the Final Examination, the University may be able to insist more strongly upon the study of Language as in itself deserving encouragement and honour.

SUGGESTIONS WITH REGARD TO IT.

The Statute of 1850 indicates a desire to follow this course, by returning to the practice of former times, and requiring that Candidates should be examined so as to test their knowledge of the ancient languages irrespectively of the particular list of books which they bring up. We think that, for Students in the Philological School this system should in the Final Examination be carried still further. Nor do we see any reason why Philology should be confined to the Latin and Greek languages. Those Students who desire it should be free to devote the latter part of their course to the study of Sanscrit, of the Oriental languages, or those of modern Europe.

III. The School of Jurisprudence and History, of which we have next to speak, has been virtually created by the Statute of 1850. The mention of Adam Smith's great work among the books to be studied for this School implies that the modern science of Political Economy is intended to form part of the studies required or encouraged. We are of opinion that Ancient History should be transferred to this School; for the division of History into Ancient and III. SCHOOL OF JURISPRUDENCE AND HISTORY.

Modern is rather matter of convenience than of reality. It has also been provided by the University that special attention should be paid to the Laws of England, and that Candidates for the higher Honours should study the principles of Jurisprudence by means of the Civil Law. We may here record our satisfaction at seeing the study of International Law introduced by the University. At first, the duty of teaching the Science would naturally devolve on the Professor of Civil Law; but doubtless the increasing number of Students will soon call for a new Chair, devoted exclusively to a study well worthy of the highest talents. Nothing would more assist in settling and strengthening that public opinion of nations, which, weak and vague as it has hitherto been, is yet one of the chief instruments of civilisation, than the exposition and enforcement of the principles of International Law by men of powerful intellect and profound learning.

PROPOSAL TO MAKE THIS SCHOOL OF USE AS PREPARATORY TO LEGAL STUDIES.

A practical object of great interest will, we trust, be promoted by this School; we mean the preparatory education of young men destined for the Bar. The advantages of such a preparation will be best indicated by recalling the language with which Blackstone introduced his celebrated lectures at Oxford:—

WANT OF SUCH PRELIMINARY INSTRUCTION IN BLACKSTONE'S TIME.

(Introduction to Commentaries).

"I think it past dispute that those gentlemen who resort to the Inns of "Court with a view to pursue the profession [of the Law] will find it expedient, "whenever it is practicable, to lay the previous foundations of this, as well as "every other science, in one of our learned Universities. We may appeal "to the experience of every sensible lawyer, whether anything can be more "hazardous or discouraging than the usual entrance on the study of the Law. "A raw and inexperienced youth, in the most dangerous season of life, is "transplanted on a sudden into the midst of allurements to pleasure, without "any restraint or check but what his own prudence can suggest, with no "public direction in what course to pursue his inquiries, no private assistance "to remove the distresses and difficulties which will always embarrass a "beginner. In this situation he is expected to sequester himself from the "world, and, by a tedious lonely process, to extract the theory of law from a "mass of undigested learning; or else by an assiduous attendance in the "Courts, to pick up theory and practice together, sufficient to qualify him "for the ordinary run of business. . . . . Making due allowance (he "continues) for one or two shining exceptions, experience may teach us to "foretell that a lawyer thus educated to the bar, in subservience to attornies "and solicitors, will find he has begun at the wrong end. If practice be the "whole he is taught, practice must also be the whole he will ever know. "If he be uninstructed in the elements and first principles upon which the "rule of practice is founded, the least variation from established precedents "will totally distract and bewilder him. *Ita lex scripta est* is the utmost his "knowledge will arrive at. He must never aspire to form, and seldom expect "to comprehend, any arguments drawn *à priori* from the spirit of the laws "and the natural foundations of justice."

THE WANT NOT YET SUPPLIED.

The publication of Blackstone's Commentaries, and of other more recent legal works, may have removed some of the difficulties which perplexed the young Student. But the want of a preparatory instruction in the principles of Jurisprudence appears still to be felt by persons well qualified to judge.

Lord Campbell, speaking of the legal education of Lord Somers, says:—

Lives of the Chancellors, vol. iv. p. 69.

"The 'readings' and 'moots' by which the study of the law had been "carried on since the establishment of the Inns of Court were falling into "desuetude, the exercises by which proficiency was tested, were now becoming "empty forms, such as we find them, and the system of pupilage was "beginning. This has since very imperfectly supplied the place of the training "for the profession in England, which prevails elsewhere, under regular "Professors appointed to teach the Law of Nations, the Civil Law, the different "branches of Municipal Law and Municipal Jurisprudence, with Examinations "and Theses, to show that the aspirant is fit to be entrusted with the duties "of an Advocate, and qualified to fill the offices to which as an Advocate he "may be appointed."

Report in "Times," June 19, 1851.

Mr. Bethell, in a speech delivered at the Law Reform Association, declares, "that Law Students at present are rarely instructed in that liberal know-"ledge of jurisprudence and comprehensive system, which forms the basis of "all law."

Mr. S. C. Denison, Deputy Judge Advocate General, has, in his Evidence, given a detailed account of "the usual routine of what is now called a legal "education." He states that, for the most part, three years are spent in the chambers of eminent legal practitioners, where the Student has daily opportunities of seeing business of the most important kind transacted; but that the opportunities thus afforded can be of little use to any but the most patient and industrious; and that even such Students lose much of the profit they might derive, because they have not been taught the elements of legal science before they engage in the complex and difficult details of its practice. The disadvantages of such a system are manifest, even if the names of Lord Brougham, Lord Denman, and Mr. Baron Parke were not added, as approvers of Mr. Denison's statement. Evidence, p. 197.

SUCH WANT MAY BE SUPPLIED BY THE UNIVERSITY.

But though it be granted that these evils be as great as they have been described, it may be asked what has the University to do with their correction? The answer may be given generally in the words of Blackstone.

"The inconveniences (he says) here pointed out can never be effectually "prevented, but by making academical education a previous step to the pro- "fession of the Common Law, and at the same time making the rudiments of "law a part of academical education." Ubi supr.

THE MANNER OF SUPPLYING IT.

The method best adapted for accomplishing Blackstone's object is thus indicated in the evidence of Mr. Denison:—

"Can this be done, and how? Nothing more easy. Simply by providing a "competent teacher of law. Once find a man who can and will teach, and let "the University make it worth his while to devote his life in teaching law in "the manner in which it ought to be taught, and the end is gained. There will "be no lack of Students. A science which deals practically with the lives, "liberties, property, and fortunes of all, will be found interesting to all, if it "be not presented them in a revolting shape, and entangled in a maze of sub- "ordinate machinery which, though a necessary part of the mental furniture "of a practising lawyer, only serves to embarrass the progress of the Student, "and to obstruct the freedom of his view. But a Teacher, who is to be really "efficient, must not be a mere reader of written lectures. The rudiments of "law, like those of all other practical sciences, must be worked into the mind "more by the constant teaching of a Tutor than by the occasional essays of a "lecturer. Evidence, p. 198.

"Let the Vinerian Professorship of Law be made a working reality, instead "of what it has ever been since the time of living memory,—a sinecure and a "sham; and Oxford will soon become a school of jurisprudence, which will "not only invigorate youth for the more practical and severe studies of the "Inns of Court, but will gradually infuse into the English law a more healthy, "liberal, sensible, and scientific spirit, and thereby do an incalculable service to "the nation."

We must here repeat, what we have more than once said before, that we cannot consider it desirable to establish in Oxford a strictly Professional Education. The technical knowledge of any profession can best be gained at the places where the profession is best practised.

Some persons indeed, among whom is Mr. Bethell, recommend that this preparatory education should be given, not by the University, but at the Inns of Court. This eminent authority strongly urges, that the teaching should be "tutorial teaching, such as exists at the University in other departments of "learning." And we think Mr. Denison's reasons for preferring the University itself are cogent. Evidence of Mr. Denison, p. 199.

"(1.) As it is very important (he says) that a knowledge of the principles, "of law should be deemed a desirable element in a liberal education, it should "be taught at those places which usually form the final stage of general edu- "cation, as distinct from special or professional education. At the Universities, "all youths who were so disposed might study it; whereas, if taught at the Inns "of Court, it would be extremely unlikely that eldest sons, or indeed any "persons except those destined for the bar, would subject themselves to the "needful restraints, or have the same stimulus which would naturally attach "to an University course of study. In short, it would be too late to begin it "when the University career is completed. Ibid.

"After leaving the Universities, young men are, naturally enough, quite

"weary of tutors and teaching; they long for freedom both of thought and "action, and will rarely recommence their pupilage and encounter a fresh "series of examinations. But if the Tutorial system means anything, it involves "all this.

"(2.) It is highly desirable to combine with the elementary study of Law "the kindred studies of Logic, Rhetoric, Evidence, and History; all of which "might be eminently useful to illustrate, enliven, and vary it, while Law might "in its turn give to them a more real and practical bearing than they have at "present. All this would quite naturally be done at the Universities, whereas "it would not, and probably could not, be done at all at the Inns of Court.

"(3.) It is admitted in the Report of the Law Amendment Society (Eighth "Annual Address, p. 9) that 'the great difficulty which has impeded the "'operations of the Committee in establishing a Law School has been the "'want of funds;' that 'a Law School is necessarily a costly undertaking.' "But, at the Universities, the only cost will be an adequate salary to one "efficient Teacher.

"(4.) It is proposed that, in London, the teaching should be gratuitous. "'The Lecturer should be put to no expense. He may be willing to give his "'time, but no other demand should be made upon him.'—(Ibid.) But a "system of gratuitous instruction in Law can scarcely be lasting, and will "probably be worth very little while it lasts.

"Many other objections to the above plan will readily suggest themselves. "But even assuming that such a scheme were practicable, it does not make it "at all less desirable that the elements of Law should be taught at the "Universities. The two plans may co-exist without in the slightest degree "interfering with each other. And this much seems clear—that if the Tutorial "system is practicable in London, it is so, *à fortiori*, at the Universities."

Every one, however, must be aware of the temptations, difficulties, and inconveniences, which beset the legal Student at the beginning of his professional studies in London. Few greater benefits could be bestowed by the University than that of imparting to him, within its quiet and regulated precincts, before he enters on his London career, that initiation into legal principles, which, if sought at all, is now sought and often missed amidst the various distractions of the metropolis. But the study of the principles of Jurisprudence, closely connected as they are with the principles of Morals and Politics, and necessary as they are for the study of History, Ancient and Modern, will be of more general use, than simply to prepare the minds of lawyers for the right discharge of their professional avocations. Future statesmen, and that important class of men who are to administer justice as magistrates, and to exercise great influence as landed proprietors, may reap much benefit from these studies, combined as they will be with History and Political Economy, according to the provisions already contained in the Statute of 1850. Professors and Teachers in this School, able and willing to do their duty, may attract many to the University, who now seek such knowledge elsewhere, or do not think of seeking it at all; and thus the University, if the subject be taken up zealously, will be enabled not only to raise its own character, but to render great service to the country.

GENERAL ADVANTAGES OF THIS SCHOOL.

IV. SCHOOL OF MATHEMATICAL AND PHYSICAL SCIENCE.

IV. The Fourth School is that of Mathematical and Physical Science.

1. MATHEMATICAL SCHOOL.

1. As regards the Mathematical School we have little to add to what we have said in our account of the present state of the studies of the University. A few useful changes in the study of Mathematics have been introduced by the new Statute. Henceforth all Students must acquire some knowledge of Arithmetic, and of Euclid or Algebra. Formerly the more indolent, having the option, preferred taking up a miserable pittance of Logic. Many who enter on these studies by compulsion may be induced to pursue them from choice. The Honours held out at the intermediate Examination to encourage the study of Pure Mathematics will, doubtless, prove a stimulus; at any rate, the recognition of the principle that some knowledge of Mathematics is indispensable to a good education is in itself of great value.

2. SCHOOL OF PHYSICAL SCIENCE.

2. Till the passing of the recent Statute, Physical Science had never been recognised as a branch of academical study, except in connexion with Mathematics; and many departments of this Science were not recognised at all. Even now it is so encumbered with the necessity of continuing the study of

Literæ Humaniores to the end of the University Course, that it can hardly be said to be independent. From this encumbrance we have already recommended that it should be relieved.

On the importance of this study, as part of a liberal education, much stress is laid in the Evidence which has been submitted to us. To the remarks already quoted, we add the opinion of several persons whose words are deserving of attention:—

"I must also (says Mr. Lowe, formerly Fellow of Magdalen College, and "lately Member of Council at Sydney), as a sincere well-wisher to the Univer- "sity, express my hope that the Physical Sciences will be brought much more "prominently forward in the scheme of University education. I have seen in "Australia, Oxford men placed in positions in which they had reason bitterly "to regret that their costly education, while making them intimately acquainted "with remote events and distant nations, had left them in utter ignorance of "the laws of Nature, and placed them under immense disadvantages in that "struggle with her which they had to maintain." Evidence, p. 13.

"Few educated men (says Mr. Grove, a distinguished Member of the Royal "Society) will be found who, if they have not early studied Physical Science, "do not regret such omission; and none will, I venture to affirm, be found "who, having had their attention early directed to it, think their time has, in "this respect, been misapplied." Evidence, p. 29.

"In regard to Physics or Natural History (says Sir Charles Lyell), a great "range of choice ought to be permitted, whether in the matriculation or any "subsequent examination, and it ought to be indifferent to the University "whether Astronomy, or some of the numerous branches of Natural Philo- "sophy, or Chemistry, or Geology, Mineralogy, Zoölogy, or Botany be pre- "ferred. The new Examination Statutes, passed in 1850, show that the "governing majority of Graduates were not then prepared to recognise even "one single department of Physics or Natural History as admissible, much "less requisite, in the first two examinations. Even in the third, that class of "subjects which is growing daily in importance was left entirely optional, so "that the highest academical prizes and honours might be carried off by men "profoundly ignorant of the elements of the entire field of Natural Science. "Such regulations ensure the continued exclusion from nearly all our great "schools of departments of knowledge eminently fitted to quicken the powers "of observation and classification, to say nothing of the pleasure which they "afford to many intellects of a high order. A spirit of inquiry into natural "phenomena should be cherished, moreover, for the sake of its excellent moral "tendency. Historians, theologians, and politicians, whether of ancient or "modern times, and their commentators and expounders, are often influenced "by human passions and partialities, so as to put their own construction on "facts and events. In such branches the plan of education may be worked "for a particular purpose, according to the teacher's prejudices and views. But "of this there is far less danger in the study of Nature. The progress of dis- "covery is always improving our theories, and forcing us to abandon old errors, "so that in this school we are learning lessons of candour and sincerity, of "humility and simplicity, and by such discipline are better prepared for the "investigation of moral, metaphysical, and political phenomena, with an "honest desire of arriving at truth. If no foundation is laid at school, to say "nothing of college, for pursuing and taking interest in such investigations, "they are usually neglected or not successfully cultivated in after-life." Evidence, p. 122.

"Any man (says Dr. Acland) really anxious for the full development of the "mental powers of his pupils, is doing himself and them a serious disservice— "nay (considering the station of many educated here) an injury to his country "—who does not set himself to ascertain what is the most feasible method of "adding to the study of Language, Logic, History, and Religion, the study "of the general nature of the Planet in which he is placed, and of the "Material Conditions under which his work of probation is to be performed." Letter on Medical Reform, Oxford, 1848.

To these arguments it may be added that a large proportion of the middle, and even of the labouring classes are daily advancing in the cultivation of these branches of knowledge. Unless, therefore, the clergy and gentry who are educated at the University are compelled or encouraged to keep pace with the progress of society at large, it is to be feared that from their ignorance of a branch of knowledge so generally diffused, they may find themselves placed

below persons in many respects inferior; and that an opposition may arise between Physical Science and other branches of knowledge, which would do serious injury both to the one and the other.

QUESTION AS TO THE EXPEDIENCY OF MAKING THIS STUDY COMPULSORY.

From all these considerations, many persons (among whom must be numbered one of our own body, Professor Powell) are anxious to make the study of some department of Physical Science a necessary and indispensable part of the University course, so as to place this study on a level with the other essential branches of a liberal education, that is, with the Classics and the elements of Mathematics,—an acquaintance with which should be demanded from all Members of the University,—and to require some knowledge of the rudiments of Physical Science at that Examination which is to terminate the compulsory part of the Academical course; so that no one should attain a Degree without at least evincing some knowledge of the principles of Astronomy, of Natural Philosophy, and of Chemistry, Geology, or Physiology, and that the University might be freed from the reproach of sending forth a host of Graduates in Arts ignorant of the first principles of Natural Science. But the greater part of our body doubt whether the amount of this kind of knowledge, which could by such means be exacted, would be of substantial advantage to the Student, and whether such a demand might not encourage a superficial mode of pursuing these studies, while it diminished the chances of obtaining accuracy in others. They expect that this School, when once recognised as an independent branch of academical instruction, and supported by eminent Professors in all its departments, will (from the tendencies of the age towards the pursuit of Material Knowledge) be likely to assert its own importance; and they think, therefore, that to ensure its success, no more will be needed than to give it independent existence and free scope for action, without making it compulsory.

PROPOSAL TO MAKE THIS SCHOOL OF USE AS PREPARATORY TO MEDICAL STUDIES.

There is one practical use to which the School of Physical Science may be turned, so important as to claim especial notice. We are led to believe that, by means of this School, the University might be brought into alliance with the higher branches of the Medical Profession, in the same way that by the School of Jurisprudence it might be associated with the Profession of the Law.

WANT OF SUCH PREPARATION.

It cannot, indeed, be alleged of the generality of Medical men with the same truth as of Lawyers, that they enter on their Profession with no sufficient preparatory education; because, in the great hospitals of London, Lectures have long been given to the Students by the most eminent men connected with those hospitals; and because Students may resort to Edinburgh, or to other Schools of Medicine, to attend the lectures of the most distinguished Teachers. Yet we are informed that there is a great want of systematic teaching and proper division of these preliminary studies.

Evidence, p. 236.

"At the outset of his studies in the great hospitals (says Dr. Acland) the "Medical Student has his mind distracted and his time taken up by the mul- "tiplicity of subjects which must be studied at once. Often he has to attend "four or five lectures in a day, on various subjects, besides his hospital practice; "by the time these are over, he is perhaps so worn out, that he has no time "or energy to arrange in order what he has heard, still less to inquire further, "and examine books illustrative or explanatory of the lectures. Now if these "subjects were divided into partially professional and wholly professional, and "the former could be disposed of while in residence at Oxford, how great "would be the gain to the Student. For these studies he would have the "quiet of this place, instead of the hurry and bustle of the hospital: his mind "would be fixed on comparatively few subjects, which he would have time to "master thoroughly, and he would find leisure and opportunity (in our noble "libraries, and the practical laboratories I hope to see in the new Museum) "to extend and improve his knowledge to the uttermost."

It is not thought that a complete School of Medicine could or ought to be established in Oxford. "If (again says Dr. Acland) an additional School were

Ibid.

"wanted, I do not think Oxford the best place for such a School. Oxford is a "county town of no large size, so that the hospital cases are far more limited in "number than in the metropolis of this or other countries; a large field for "clinical observation is absolutely necessary for a good Medical School. A "small hospital will teach any man much; a large one will teach him more. To "most Medical Students every day in the wards is precious; and the more they "can see in the days of their pupilage, the better for them in the years of their

" practice. I do not mean to say that a large Medical School cannot be created " by a great man on the basis of a small hospital, either here or elsewhere, just " as a Chemical School has been created at Giessen by Liebig; or as a Law " School might have been created by Blackstone here in Oxford; but whatever " success attended such a School, it would probably die with its founder. The " want of extensive hospital practice, as well as of other advantages attendant " on early reputation in London, and other large towns, will sooner or later " make a School in a town of this size (found it who may) inferior to the " Schools of London, or Edinburgh, or Paris, or Dublin.

" What is necessary to the country in this matter is, that there should be " large practical Schools to make good practitioners: where they are, matters " not. It is no duty of this or any other University to teach what it cannot " teach well, and what is already, and always will be, well taught elsewhere."

SUCH WANT MAY BE SUPPLIED BY THE UNIVERSITY.

But the Universities seem as well adapted to prepare young men for their regular professional life in Medicine as in Law; and arguments similar to those which have been alleged as regards the former, might be here repeated, with the necessary alterations, as regards the latter. On this subject we are fortified by the arguments of Sir Benjamin Brodie, who, in the introduction to a course of lectures delivered to the Pupils of St. George's Hospital some years ago, spoke as follows:—

Introductory Discourse to the Pupils of St. George's Hospital, p. 1.

" There are very few departments of human knowledge which may not be " cultivated with more or less advantage by those who are engaged in the " Medical Profession. The phenomena of muscular action cannot be compre- " hended by one who has paid no attention to the study of Mechanics. " Without some acquaintance with the phenomena and laws of light, you will " in vain endeavour to understand the physiology of the eye and the treat- " ment of its diseases. The classification of the various textures of the body " —the changes produced in the animal fluids by respiration and secretion— " the composition and exhibition of medicines—these things must be altogether " mysterious to those who have not applied themselves to Chemistry. I cannot " believe that any one is really qualified to undertake the management of " cases of mania and imbecility of mind who has not studied the mind in its " natural and healthy state, and endeavoured to analyse his own mental and " intellectual faculties. The stores of medical experience accumulated in " former ages, and even the comparatively modern works of the great Haller, " replete as they are with the most interesting physiological information, are " of little avail to those who have no knowledge of the dead languages."

Second Discourse, p. 19.

" It is very much to the discredit of the great medical institutions of this " country, that, except in some few instances, they have not given even an " indirect encouragement to the obtaining a good general education."

To these extracts we add the following lucid statement, which Sir Benjamin Brodie has placed at our disposal:—

Letter from Sir Benjamin Brodie, dated October, 1851.

" It is very important that those who are to be engaged in the practice of a " liberal and scientific profession, such as Medicine or Surgery, should have " their minds prepared for their professional studies by a good preliminary " education, and this may be obtained at the Universities more easily than any- " where else. I believe that if these institutions were to afford the means of " studying Chemistry, Botany, the elements of Mechanical Philosophy, and " Physiology (which might be done without interfering much with other " studies), a great deal might be learnt there which would be useful to those " who are to engage in the study of Medicine and Surgery afterwards. Young " men, with their minds thus prepared, would not only be more fitted by their " previous habits of attention for acquiring a knowledge of anatomy in the " dissecting-room, and of disease in the hospital, but would also be enabled to " do this in a more efficient manner, in consequence of their minds being less " distracted by a variety of objects, than would be the case if they had no " previous knowledge of the preliminary sciences. Nor need the University " education, in the case of Medical Students, be attended with any great addi- " tional expense. At present the English College of Surgeons requires of " those who propose to be members of the College that they should pass three " years in the Medical Schools; while for those who are Candidates for the " Fellowship of the College it requires six years of study in the Medical " Schools, allowing one year to be deducted where a Candidate has attained

"the Degree of B.A. in an English University; but I have no doubt that for "those who have had their minds well trained, and have gone through such a "course of study as I have suggested in a University, these periods might very "safely be considerably abridged.

"I give this as my private opinion, not knowing how far those of the other "members of the governing body of the College would be in accordance with "mine."

If the University were to give such Lectures and such Examinations as would satisfy the Colleges of Physicians and Surgeons, those learned bodies might perhaps be induced still further to coöperate with the University.

NECESSITY OF ENCOURAGING ALL BRANCHES OF STUDY BY REWARDS.

Lastly, we must repeat our wish that besides the Honours awarded to proficiency in each department of study, some substantial rewards should follow success. In some departments the University Scholarships are already available for this purpose. But it is our conviction, founded on experience, that all other encouragements will be nugatory, unless Fellowships are bestowed expressly for proficiency in these several departments, as well as for proficiency in Classics. But further remarks on this important subject we reserve for that portion of our Report in which we shall speak of the proper uses of College endowments.

GENERAL EVIL OF EXAMINATIONS.

We would not be thought to overlook the fact, that a multiplication of Examinations is a serious hindrance to earnest Students. It has been said, with some truth, that such a system would "cramp and confine" their energies, "and "complicate their present difficulties. They would be always in the hurry and "fever of preparation for an Examination on which their reputation depends; "and they would be able to read less for their real improvement than hereto-"fore." We are, indeed, well aware that there is some evil mixed with good in all Examinations; they tend "to develop docility and accomplishments at "the expense of more masculine and efficient qualities." But "the system of "Examinations has grown upon us, and we must accept it for the present as "the means of stimulating and directing the instruction and the energies of the "Students." The question here is not whether we will have Examinations or not; but how many and what sort of Examinations we shall have. The problem to be solved is, how we shall provide Examinations frequent enough to stimulate the flagging energies of the remiss, yet not too many to diminish the freedom and impede the progress of the real Student.

Evidence of Prof. J. M. Wilson, p. 297.

Evidence of Prof. Vaughan, pp. 86, 88.

PARTICULAR EVILS INCIDENT TO THOSE OF OXFORD.

And it may also be observed that part of the evils complained of arise from the great mass of subjects crowded into the Final Examination, and from the imperfect system of preparation now in vogue at Oxford. Experience has shown (as we have stated) that one effect of a great Final Examination has been to contract the range of Studies once recognised as Academical. Many more young men have been excited to work, but the work of the highest minds has been brought down to a lower level than under a freer system might have been reached. Professor J. M. Wilson strongly urges these evils.

Evidence, p. 295.

"The Text-book (he says) on Moral Philosophy used in the Schools is the "Ethics of Aristotle. The more valuable parts of this treatise are easily read, "and the leading thoughts are easily mastered. . . . . In order to distinguish "between the Candidates, the Examiner is driven to ask questions out of the "obscurer corners (so to speak) of the book; and the matter lurking in these "corners is always the least valuable part. These obscure passages become so "many texts for illustration by the Private Tutors. The Candidate for Honours "must have this recondite information, and he purchases it from these Tutors. ". . . . This kind of knowledge is now recognised in the Schools, as necessary "for high Honours; a vast body of such commentary has grown up in the "University; and has been handed down from Tutor to Tutor. . . . . I have "often found with great regret that the number of attendants on my Lecture in "the Ethics is almost doubled, as I approach the analysis of the more tech-"nical and obscure passages of the work, which I know to be useless, or nearly "useless, to the Student." He goes on to make similar remarks on the manner in which the Examination is conducted in Logic and in History.

HOW FAR OBVIATED BY THE STATUTE OF 1850, AND THE PRESENT RECOMMENDATIONS.

It is manifest that many of these evils will be obviated, if our recommendations be adopted. If, as we have advised, the Final Examination be divided into several Schools, and the subjects of each School be studied under the superintendence of able Professors, knowledge of a higher character will be

sought, and the spurious arts of preparation will fall into discredit. But to secure this result more completely, the Professors must not only preside over the teaching of the Schools, but must also have a voice in the appointment of Examiners, and some power of superintending the Examinations. "I feel (says "Professor Vaughan) that there is nothing upon which the success of the "University system more materially depends. To exclude so far as possible "the favours or injuries of chance—to foil the arts of 'cram'—to apportion "the success to the industry, the talent, and the good sense of the Students is, "in effect, and indirectly, to secure good teaching, and good, energetic, honest "learning. Good Examinations can help to effect all this, and good Examiners "only can produce good Examinations; and masterly knowledge, aided by "high talent and discretion, *alone* can make good Examiners. The Professors, "therefore, ought, I think, to exercise a constant, though *not an exclusive* "control over the Examinations." Evidence, p. 87.

WHAT REMAINS TO BE DETERMINED.

So far as the Final Examination is concerned, we may expect that a better arrangement of Study under the supervision of a well-organised Professoriate will remedy many evils. But an important question remains, whether two Examinations or one shall intervene between the Examination at Matriculation, and that previous to the B.A. Degree; and also whether all young men should be compelled to pass their previous Examinations at the same time and in the same manner, or whether some mode may be devised of emancipating the diligent Student at an early period of his career. It is certain that the great mass of young men require the stimulus of constant Examinations; that the greater part of them who contract habits of idleness or extravagance, or vice, do so in the early part of their career, when the First Examination seems very distant, or just after they have passed this ordeal, and the Final Examination is too far removed to excite any present terror. To remedy this evil, was one of the motives that induced the framers of the new Statute, to place the Responsions earlier, and to establish the Moderations, as an additional Examination between the Responsions and Degree. It was argued that, if at the close of every year a public Examination was to be passed, many youths would be prevented from wasting so many months, as they had hitherto imagined they could waste with impunity.

On this point, however, it might be well not to disturb the arrangements so recently made, until they shall have been tested by experience. It will perhaps be found that a Student who has satisfied the Examiners at Matriculation, that he possesses a good grammatical knowledge of the Ancient Tongues, should be allowed to pass his Responsions at an early period; or he might be allowed to proceed to the Intermediate Examination without passing Responsions. He would thus be enabled to devote more time to Studies preparatory to his future course of life.

PRESENT STATE OF THE HIGHER DEGREES.

We have hitherto spoken only of the Examinations for the Degree of Bachelor of Arts. It has often been a matter of consideration, both within the University and out of it, whether any similar tests of proficiency should be required for what are called the higher Degrees; that, namely, of Master of Arts, and those of Bachelor and Doctor in Divinity, in Civil Law, in Medicine, and in Music.

At the present day, it is well known that the greater part of these Higher Degrees are conferred on the performance of Exercises which are merely nominal.

DEGREE OF M.A.

With regard to the Degree of M.A., an attempt was made by the Statute of 1800 to revive the Laudian Examination; but this was silently abandoned in 1807. This Degree is conferred as a matter of course on all Bachelors of Arts who apply for it, after an interval of three years, in the course of which they must have resided for three weeks. Since the Degree of M.A. carries with it the right to vote in Convocation, this indiscriminate admission of all Bachelors of Arts leads to strange results. "I knew, recently (says Mr. Hayward "Cox) an instance of a Graduate of the University, who almost uniformly "attended Convocation in the case of Elections and Legislation of an important "character, having been five times rejected at the Responsions and Examina-"tions, and having ultimately taken a common Degree with great difficulty." Evidence, p. 95.

DEGREE OF B.M.

For the Degree of Bachelor in Medicine, indeed, an Examination has been substituted for the ancient Disputations; but this (as we are informed) is susceptible of great improvement. Stat. Univ. Addend. p. 285. Evidence of Dr. Acland, p. 237.

DEGREE OF B.C.L.

For the Degree of Bachelor in Civil Law, it was enacted by a Statute passed in 1851, that a very elementary Examination on Justinian, and one or two modern writers, should be required.

DEGREE OF B.D.

For the Degree of Bachelor in Divinity, Exercises are required to which some Regius Professors of Divinity have sought to give reality. But the Latin Dissertations now in use amount to little more than a ceremony enacted in the presence of the Regius Professor; and those in English, which were introduced without Statutable warrant by Professor Burton, were little better.

DEGREES OF M.D., D.C.L., D.D.

For the Doctorate in Medicine a Dissertation must be written, to be approved by the Regius Professor. For the Doctorate in the Faculty of Civil Law and Divinity "Wall-Lectures," as they are called, suffice; that is, the Candidates are shut up in the Schools for an hour or two.

It is manifest, then, that the greater part of these Degrees express little or nothing as to the progress made by the Student in the studies connected with his Faculty. Degrees in Theology and Law are ordinarily taken by Fellows of Colleges, where these Degrees are required by the Statutes of their Colleges; or by persons who are raised to certain offices in the University or the Church. They are regarded by some (to use the words of Mr. Congreve) as "mercantile investments," that is, as a means of obtaining pupils; by others, as a means of gaining consideration in society. Degrees in Medicine are not taken by above two or three persons in every year.

Evidence, p. 153.

EXAMINATION FOR THE HIGHER DEGREES IN ARTS, THEOLOGY, AND LAW NOT PRACTICABLE.

When we contemplate this state of things, the first question that suggests itself is, whether it is possible to find any mode by which the higher Degrees in Arts, Theology, and Law may be rendered tests of merit at the time they are conferred. The Evidence of Archbishop Whately will supply an answer.

Evidence, p. 25. Compare that of—
Prof. Browne, p. 6.
Prof. Vaughan, p. 85.
Mr. Temple, p. 128.
Prof. Wall, p. 148.

"I remember—and my memory as to academical matters extend over more "than 45 years—sundry attempts made to remove this reproach, by making "the exercises for those Degrees something real; but all such attempts failed.

"When first I went to Oxford, and for some years after, there was a regular "public examination for the Degree of M.A. But, in *fact*, it was *not* public, "all the Undergraduates and Bachelors making it a point of delicacy never to "attend, because several of those examined were men of middle age, and many "clergymen. And it was soon found that no Examiners could be induced "ever to *reject* a candidate, however ill-prepared. Hence the whole soon "degenerated into an empty form, and was discontinued.

"Then attempts were made to introduce something real in place of the "empty forms of exercise, called the 'Determining.' But the same result "speedily followed.

"Then a good many years after, when I was a member of the Hebdomadal "Board, a scheme was proposed for making the *Divinity* exercises something "real. It looked well on paper; but I inquired, 'Suppose a Candidate for the "'Degree of B.D. or D.D. *fails* to exhibit the requisite proficiency; will the "'examiner *reject* him?' I was answered, 'We hope none *will* fail.' 'Well, "'but suppose some man *does*; what then?' They were compelled to admit "that rejection was a thing not to be thought of, considering that several of "the Candidates would be elderly men, and Clergymen, and perhaps Dignitaries. "'Then you will see,' said I, 'that after a few Terms, the whole will become "'an empty form. As soon as it has happened—as, of course, it will—that a "'deficient Candidate is allowed to pass, and then one a *little more* deficient, "'and another a little worse still, and so on, the exercises will be understood "'to be a mere form.' I alluded to the story in the Spectator, of the Indian, "Maraton, who went to the Land of Shadows—the Indian Elysium—to visit "his deceased wife Yaratilda. He found it surrounded (instead of the river "Styx) by a seemingly impenetrable thicket of thorn-bushes, and for a time "was at a loss; but he soon found that it was only the ghost of a departed "thicket, the *shadows* of thorn-bushes; and he walked through without any "difficulty. 'Even so,' I said, 'this examination will have some effect, till it "'is discovered—as it soon will be—that it is only a *shadow*.' And thus it "proved, on the experiment being tried.

"So it must always be with any examination which *all* are sure to pass.

"And yet, to find Examiners who will *refuse* these Degrees to any Candidate, "experience shows to be quite hopeless."

CONCLUSION WITH REGARD TO THE HIGHER DEGREES.

Several plans have been suggested for the purpose of raising the character of these Degrees. After giving them full consideration, we have come to the

conclusion that, so far at least as regards the Degrees in Theology, Law, and Medicine, it will be difficult to make them anything more than titles which designate the Academical standing of those who obtain them. We are of opinion, however, that the Degree of M.A. might be freed from some of the anomalies before mentioned, if it were reserved for those who had either passed the Final Examination in two at least of the above-named Schools, or who had obtained the higher Honours in one. In any case, the requirement of the residence of three weeks between the Degrees of B.A. and M.A. ought to be discontinued, as entailing trouble and expense without any corresponding advantage.

TERMS AND VACATIONS.

There is another subject of minor importance, connected with the Academical course, to which we may call attention here. It is well known that the Academical Year scarcely exceeds six months. The residence, which had become nominal before the time of Laud, was by his Statutes raised to fourteen weeks in the year; in later times it has been raised to eighteen; and the Colleges now require it for about twenty-six. The question has been mooted whether this period should not be further lengthened. It has also been thought by some persons, whether the Terms and Vacations might not be more beneficially distributed than at present. Two modes may be noticed which have been suggested for the improvement of the present system.

Mr. Congreve's Evidence, p. 154

1. It is proposed that some or all of the Public Examinations should be conducted in Vacation; in order that Tutors of Colleges might be enabled to undertake the office of Examiner without neglecting their other duties, and that Students might be able to devote the whole Term to the instruction given to them. We see no reason why the Matriculation Examination and the Responsions, as well as the Mathematical Examination (which must be conducted almost entirely on paper) should take place in Term-time. But oral Examinations in the Literæ Humaniores, when conducted by able Examiners, are a great incentive to industry among the Students, and very instructive to the hearers. It may be added that publicity acts as a check on the appointment of incapable Examiners. We hesitate, therefore, to recommend that these Examinations should take place in Vacation.

We are also of opinion that the Long Vacation might with advantage begin and end on fixed days. The difficulty of carrying on the Studies of the University through the summer months, and the opportunities afforded for travelling to its members during that season, may justify the present practice of enlarging the Summer Vacation beyond the limits fixed by the Statutes of the University and of the Colleges. But facilities should be given in Oxford, as they are given at Cambridge, to those who would wish to remain in College during the Vacation for the purposes of study. Even members on the Foundation now have as much difficulty in obtaining permission to remain in their Colleges as in former times they would have had in obtaining a dispensation for absence. The period after Easter, which is now divided into what are technically called the Easter and Act Terms, might be advantageously made one Term.

INSTRUCTORS OF THE UNIVERSITY.

We now proceed to the second head, under which we were to treat of the Studies of the University, namely, the Instruction, and the modes in which that Instruction is given. The system laid down in the Laudian Statutes is very different from that which is actually in operation. Lectures are enjoined in the Statutes of the University; and these were to be delivered by the Public Professors and Lecturers. It is not, however, from this to be inferred that the Students were at that time educated exclusively by the University, or that the present system of Collegiate Instruction is a modern usurpation. In the Aularian Statutes which were enacted at the same time as the Laudian Code, and which are appended to it, courses of Lectures and Exercises similar to those required in the University Statutes are prescribed for Undergraduates within their Halls. And, on turning to those College Statutes which were drawn up after the middle of the fifteenth century, we find similar provisions. In these Colleges and in the Halls the Lectures were to be delivered by Readers, the Disputations to be controlled by Deans or Moderators, and the Theological instruction communicated by Catechists.

THE LAUDIAN SYSTEM OF INSTRUCTION.

The University Statutes nowhere allude to the Lecturers of Colleges or

Halls; the Collegiate Statutes, it is believed, in no case allude to the Lecturers of the University, and the Aularian Statutes only incidentally. Generally speaking, the sole indication of a relation between the two sources of Instruction is to be found in the circumstance that the hours fixed for Lecturers in the Halls are earlier than those fixed for the Lectures of the Public Professors. It would seem, however, that in 1636 it was intended that the two courses of Instruction should exist side by side. In the Statutes of Pembroke College, which were drawn up only five years before the enactment of the Laudian Code, a system of Instruction is provided which is as complete as that of the Code itself. The education of the University was to be repeated over again in each of the twenty-five subordinate Societies. The Student was to attend Public and Private Lectures on the same subjects, to perform similar Disputations at home and in the Schools, and (in the Halls at least) to undergo the same Examination for his Degrees from the Head of his Society and from the University Examiners. And that this system of Collegiate Instruction was at that time in full vigour appears from the statement of Wake, the Public Orator, who, in his "Rex Platonicus," published in 1607, apologises for the scanty attendance of Students in the Public Schools, on the ground that there were in Oxford "Quot Collegia, tot Academiæ," in which the Students were assiduously engaged.

Stat. Aul. Sec. 5, § 5.

ACTUAL INSTRUCTION, AT THE PRESENT TIME.

In the actual Instruction of the University the Public Lecturers, to whom alone the Statutes of the University refer, take but a very slight share. It is carried on almost wholly by the College Tutors and the Private Tutors, of whom the first are only mentioned briefly, and the second are not mentioned at all, in the Statutes either of the University or of the Colleges. We proceed to describe each of these classes of Instructors.

COLLEGE TUTORS: THEIR STATUTABLE DUTIES.

We have already intimated that the Instruction recognised by the College Statutes came not from Tutors, but from Prælectors appointed by the College, though not necessarily members of the College. The only notices of the name of Tutor which we have found in the Statutes of the Colleges, are in those of Brasenose, Jesus, and Pembroke. In Brasenose it is provided that the poor Scholars attached to the Foundation, though not members of it, and the six heirs of noblemen who were to be admitted into the College, are "to "have a Tutor, namely, the Principal or one of the Fellows, who shall be "surety for their expenses and for any fines imposed by the Statutes of the "College." In Pembroke it is enjoined that "all Undergraduates are to live "under the care of a Graduate-Tutor, according to the order of the Master "of the College, except those who board with Bachelors and Masters of Arts." In King Edward VI.'s Statutes we find that the duty of preaching to the Students is enjoined on Heads of Colleges and the "Protectors," a term which seems to designate the Tutors. The relations between Hooker and his Pupils in Corpus Christi College show that, in some instances, the duties of Tutor were much what they are now, as early as the reign of Queen Elizabeth. But before the enactment of the Laudian Code, it seems that the assignment of Students to Tutors was voluntary, as far as the University was concerned. By that Code it is enjoined that every Student shall be placed under a "Tutor," or Guardian (to render the word according to its signification in the Statute). This Guardian was to be a Graduate, approved by the Head of his College or Hall, or, if any question should arise in the matter, by the Vice-Chancellor, to whom alone is given the power of dismissing a Tutor, and that only for proved incompetency. The Tutor was to imbue the Students committed to his charge with good morals, to instruct them in approved authors, and the rudiments of Religion, especially in the XXXIX Articles; and he was to be responsible for their delinquencies as regards extravagance of dress, length of hair, or similar fopperies.

Statutes of Brasenose, c. 8. Jesus Coll., c. 14. Pembroke Coll., c. 15.

Walton's Lives, Vol. i., pp. 325, 353.

Stat. Univ., Tit. iii., Sec. 2.

The Tutor, as here represented, is advanced a step beyond the relation in which he is placed by the College Statutes, to which we have referred. He is invested with a share in the Instruction of the Student committed to his care. He is recognised as a functionary of the University. But the University still left the duty of Instruction chiefly in other hands.

GRADUAL CHANGE.

In proportion as the system of Public Instruction fell into disuse, the importance of the Tutors increased. In course of time, the little Instruction given in the University was given almost entirely by the Tutors, who confined themselves chiefly to Classical Authors. The character of College Lectures generally in the last century may be learned from the well-known testimony of

Gibbon and Adam Smith. Yet even then, when teaching and learning were alike voluntary, the intercourse of an able Tutor and a diligent Pupil was often beneficial. A large number of the Fellows of Colleges habitually resided, and most of them had Pupils. Each therefore had a few only under his care. College Tutors, in the present sense of the word, that is, a small number of Fellows appointed by the Head to teach all the Undergraduates, did not come into existence till comparatively late times. It was coördinately with the reform in Public Examinations that they were raised to their present quasi-Professorial position.

PRESENT CONDITION OF TUTORS.

The provisions of the Statute for the appointment of Tutors have received a very wide interpretation. College Tutors are now not only approved, but absolutely nominated by the Head of their Colleges, and almost invariably from among the Fellows. The Vice-Chancellor never interposes his authority in their nomination or removal. The XXXIX Articles form only a small portion of their instruction, and by some Tutors are not taught at all. From Guardians they have become not only Teachers, but virtually the sole authorised Teachers of the great mass of the Students. The ancient Lecturers, both of the University and of the Colleges, have been superseded by them; and the public Instruction of the Schools has given way to catechetical teaching in the Tutor's private apartments.

ADVANTAGES OF THE TUTORIAL SYSTEM.

The good effects produced by the Tutorial system on the discipline of the place are obvious. When the Tutor acts with zeal and judgment, and the Pupil answers to his care by confidence and respect, there can be no doubt that the connexion is productive of great and lasting benefit. The Tutor, living within the same walls as his Pupils, and (if he please) in friendly intercourse with them, may exercise a powerful moral influence on the minds of many. Wherever also the Tutor's abilities and knowledge are such as to command the attention and to inform the mind of his Pupils, the relation between them enhances the value of his Instruction; and even when such an Instructor is a man of moderate capacity, he may be useful to his Pupils if he confines himself to what he knows, and takes pains to ascertain that they know it too. The intimate knowledge which a Tutor has, or may have, of the disposition, capacity, and acquirements of his Pupils, enables him to question them in such a manner as to ascertain their diligence and quicken their faculties.

DISADVANTAGES OF THE TUTORIAL SYSTEM.

The advantages then of the Tutorial system are confessedly great. But the disadvantages resulting from its actual state are greater still. They are summed up by Mr. Pattison, who, however, is a warm defender of the system as a whole:—

Evidence of Mr. Pattison, p. 48.

"The causes of the disrepute of the College Tutor may be easily enumerated:—

"Chiefly, individual inferiority, want of ability, defective attainments, indifference to his occupation, and other personal disqualifications.

"Each Tutor undertaking too many Classes and too many Pupils.

"Each Tutor having to teach too great a variety of subjects.

"The admission of ill-prepared Students, who lower the general tone of instruction.

"The too great toleration of idle Students.

"The incidental effect of an examination system which creates a demand for 'cram,' and so subtracts the Pupil during his most valuable time—his last year—from the full action of the College course.

"The transitory nature of the occupation, which in most cases being adopted 'in transitu' to a totally different pursuit, has none of the aids which in the regular professions are derived from regard to professional credit, and the sustained interest which a life-pursuit possesses."

This statement may be further illustrated by passages from the evidence of some other gentlemen:—

Evidence of Mr. Barth. Price, p. 62.

"The Tutors are few in number in each College, and yet all the subjects of the University examination, both for passmen and classmen, have to be apportioned between them. Three or four instructors have to teach classical scholarship, . . . ancient History, both Grecian and Roman, Moral Philosophy, Metaphysics, Logic, Theology, and, in some cases, Mathematics and Natural Science; and, by the new Examination Statute, as the subjects of study are increased in number, so will the evil be aggravated. Hence, the result is

"that the Lecturers have not time for the especial study of any one branch of "learning, and the lectures are deteriorated; and Students of various diligence "and calibre having been collected together into one class, the character of the "lecture is let down to the lowest capacity, and the Students of the greatest "promise and ability have been obliged to seek elsewhere for that instruction "which, under better management, would be provided for them within the "College walls, or by the University."

Mr. Lowe's opinion of the evils of the system is so strong that he would wish to see it abolished altogether:—

Evidence, p. 12.

"I entertain the strongest objections to the present tutorial system. It is "a monopoly of education given to the Colleges at the expense of the efficiency "of the University, and has very often been grossly abused by the appointment "of incompetent persons. The Tutor has no stimulus to exertion beyond his "own conscience; let his success be ever so brilliant, the termination of his "career is not likely to be affected by it. The expected living drops at last; "and, idle or diligent, learned or ignorant, he quits his College, and is heard "of no more. The plan also of teaching in large lectures, while it gives but "little instruction to the less advanced, is inexpressibly tedious and disgusting "to the more forward Student. I never shall forget the distaste with which, "coming from the top of a public school, I commenced construing, chapter "by chapter, the 21st book of Livy. This has a bad effect on the mind. A "boy (for he is nothing more) finds the requisitions of College incomparably "easier than those of school; he becomes arrogant and conceited; the tutorial "system has not only taught him nothing, but has actually given him no idea "of the course of study required for a high degree; and in the plenitude of "ignorance and self-sufficiency he wastes, at least, one most valuable year in "idleness, if not in dissipation. I am, therefore, opposed to the continuance "in any shape of the present College tutorial system."

It must at once occur in perusing this Evidence that many of the disadvantages pointed out are due to the present restrictions in the choice of Fellows of Colleges; and that these disadvantages in a great measure would disappear as those restrictions were removed. The Heads of Houses state, in their Letter to the Duke of Wellington, that "Tutors of Colleges are not necessarily "appointed from the Fellows of Colleges." This is true in theory; but in practice the selection of Tutors from those who are Fellows is almost universal. Many of these, especially in close Foundations, may be unfit for the office; but the Heads of Colleges have not always courage or vigour enough to select the most able of their Fellows. It is rare indeed for them to resort to another Society in default of persons of due capacity within their own.

Some of the evils of the present system, such as that of crowding into the same class students differing greatly in knowledge and capacity, merely because they happen to come to the University at the same time, may be remedied in the larger Colleges, and have (we believe) been remedied to a great extent in some of them, by more careful classification. But the chief defects inherent in the system itself, arise, we think, from its being the sole source of Instruction recognised in the University. The careful supervision of studies, the catechetical method of teaching, the moral and religious superintendence, may all be continued, and even increased, if other sources of Instruction can be called into existence to relieve conscientious Tutors, and to stimulate the negligent; and their task will be less irksome if the recent extension in the Studies of the University shall cause the young men to take greater interest in their work.

PRIVATE TUITION CAUSED BY DEFECTS OF COLLEGE TUITION.

That some addition to College Tuition is needed, is evident from the fact that a class of Teachers has sprung up in recent times, avowedly with the purpose of supplying its defects. We mean the Private Tutors.

PRIVATE TUTORS.

"Private Tutors" are not recognised by name in the Statutes either of the University or of the Colleges; yet, in some respects, they seem more nearly to correspond to the original "Tutores," and in other respects more nearly occupy the position to which Bachelors and Masters of Arts are entitled by the formula used in conferring Degrees, than any other persons in the place. They are selected by the Students. They often become their advisers and friends. The care, or at least the time, bestowed upon each Student by the Private Tutor is greater than that which is ordinarily bestowed by the College Tutor. The

amount paid for Private Tuition by many individuals far exceeds that which is paid for College Tuition. In some departments of knowledge the Students derive their chief instruction from this source.

The number of Undergraduates reading with such Tutors is very large. Of late years many candidates for an ordinary Degree, and most candidates for high Honours, have had recourse to assistance from Private Tutors.

Evidence of Mr. Morgan. p. 196. Mr. Rawlinson, p. 216.

The Dean of Ely calculates that the sum annually spent for Private Tuition at Cambridge amounts to 50,000*l.* At Oxford the practice of resorting to Private Tutors is less general, and continues, for the most part, only through the latter portion of the Undergraduate career. Still the annual sums thus expended must be very large,—large enough to endow many Professorships.

Compare that of— Mr. B. Price, p. 62. Mr. W. H. Cox. p. 98. Obs. on Cambridge Stat. p. 153.

On this subject many distinguished Private Tutors have supplied us with Evidence. Perhaps that of Mr. Lowe will suffice for a statement both of the good and evil of such Tuition:—

Evidence, p. 12. Compare that of— Prof. Browne, p. 6. Mr. Mansel, p. 21. Mr. Jowett, p. 37. Mr. Melville, p. 56. Mr. B. Price, p. 62. Mr. W. H. Cox, p. 98. Prof. Donkin, p. 108. Mr. Scott, p. 114. Mr. Congreve, p. 154. Dr. Twiss, p. 157. Sir E. Head, p. 161. Mr. Lake, p. 168. Mr. Litton, p. 178. Mr. B. Price, p. 195. Mr. Henney, p. 210. Mr. A. H. Clough, p. 215. Mr. Foulkes, p. 226.

"Of the system of Private Tuition the advantages are manifest. The power "of selection has great efficacy in attaching the Pupil to the Tutor; and I "can speak from experience that the tendency is strong to overrate the abilities "and industry of a Private Tutor,—a leaning which I have never observed in "the case of Public Tuition. The unfettered intercourse, the power of stating "a difficulty without incurring ridicule, the greater equality of age and "position,—all tend to give the system efficiency; and whether desirable or "no, I am convinced that it will be the working system of the University. "The Dean of Christchurch issued an order that no man of his College should "read with a Tutor of another College. I do not think the order an unrea- "sonable one, and I doubt not that Christchurch contained plenty of competent "persons; but I know that all the time one-half of my Pupils came from "Christchurch. The system of Private Tuition is a necessary and unavoidable "concomitant to any Examination. No sooner were Examinations established "for the masters and mates of merchant ships, than there arose a class of men "whose business was to *cram* the candidates.

"The system of Private Tuition has, however, many defects. The persons "into whose hands it principally falls are young men of unformed character, "knowing little of the world, or probably of anything except the course of "study by which they have gained distinction. They have, nevertheless, very "great influence over their Pupils, and are, from their youth, their sincerity, "and their earnestness, the most dangerous missionaries of whatever opinions "they take up. They are the persons who are really forming the minds of the "Undergraduates before they have formed their own. The University knows "nothing of them, except their names in the Class List; in their Colleges they "have no status, and it is quite optional with them whether they enter into "the society there or no. Everything is entrusted to them, and no caution "whatever is taken for the execution of the trust. As regards the Private "Tutors themselves, I cannot but think it bad for them that the moment they "have taken their Degree they should be considered as at once elevated to "the highest intellectual eminence, and spend their whole time in teaching that "which they have but just and barely learnt. The tendency to narrow the "mind and generate habits of self-conceit is obvious. It also stands seriously "in the way of their acquiring much useful knowledge; though I think this "in some degree compensated by the ardent desire to learn, which the habit "of teaching is almost sure to produce. Young men are often at this time "pressed by College debts, or otherwise in narrow circumstances, and the "temptation is irresistible to labour to any extent so as to avoid these "embarrassments. I have myself taken ten successive Pupils in ten successive "hours, Term after Term,—a task neither fitting for the Tutor nor just to the "Pupil."

The subject is treated at considerable length in Mr. Rawlinson's Evidence, in which detailed remedies are suggested for such evils as are confessedly inherent in this mode of Instruction. The general result at which most of the writers we have quoted arrive is, that as the system of Private Tuition has been created by a real want, so it cannot be set aside except by the improvement of the College Tuition, by the organisation of an order of authorised University Instructors, and by taking measures to secure the appointment of the most eminent men as Examiners. Even now the demand for Private Tuition in a College varies with the goodness of the Instruction given by the

Evidence, p. 216.

Tutors. And if the multiplicity of labours now required from College Tutors is diminished, they will be able to do much that is at present expected from Private Tutors; while the ablest young men, who now support themselves by Private Tuition, will find more congenial employment in University Lectureships, such as we shall hereafter propose. Lastly, the appointment of Examiners, really eminent in their respective departments will drive what is called "cramming" out of the field. In these ways the chief evils complained of will be abated.

INSTRUCTORS PROVIDED BY THE STATUTES OF THE UNIVERSITY:

Having said thus much on the actual mode in which the Students at Oxford are instructed, we must revert to the almost obsolete system, which is contemplated by the Statutes of the University, because it is on a revival and expansion of the statutable system that we principally rest our hopes of restoring Oxford to its proper position, both as a place of Education and a seat of Learning.

In the time of the Laudian Code, there existed three classes of Public Professors and Lecturers..

1. UNIVERSITY PRÆLECTORS, NOW EXTINCT:

1st. There were four Lecturers,—in Grammar, Rhetoric, Logic, and Metaphysics,—whose emoluments were to arise from a fee of 6*d.* every Term from each of their hearers, except Servitors or poor Scholars, and from a fund, created by a payment of 2*s.* to be made by every person who took the Degree of M.A. They were to be chosen from the Masters of Arts, and were to hold office for two years.

THE MOST ANCIENT MODE OF ACADEMICAL INSTRUCTION.

These and other regulations were new, but the scheme was founded on the most ancient condition of Teaching at Oxford. Of Tutors or Professors, such as now exist the University in ancient times knew nothing. There is even now a large body of men who year after year are solemnly invested with the duty of Instruction, in the manner handed down from the Middle Ages. These are the Graduates in Arts, Divinity, Law, Medicine, and Music, on each of whom is nominally conferred the power of entering the Schools and publicly lecturing on those branches of knowledge, in which he has himself been bound to hear Lectures. To all of them, on their presentation for their degrees of Master or Doctor, the highest officer in the University, placing 'the book' on the head of each, utters in Latin these solemn words: "To the honour of our Lord Jesus Christ, and to the benefit of our holy "mother the Church, by my authority, and the authority of the whole "University, I grant to thee the power of incepting in the Faculty of Arts (&c.), "lecturing, disputing, and doing all besides which pertains to the state of "Doctor or Master in the said Faculty, when thou shalt have completed all "that relates to such solemnity. In the name of the Father, of the Son, and "of the Holy Ghost."

We have given this form of conferring the Degree as an indication of the serious duties and privileges which it was once supposed to imply. Nor was there any absurdity in imposing such an obligation on all the Graduates of early times. Their teaching, in many cases, was confined to the 'cursory' reading, as the phrase was, of manuscript text-books, with the glosses which accompanied them; a mode of teaching which was indispensable, when books were rare. Those Teachers who could do more than this obtained reputation, and attracted Pupils in proportion to their reputation. It appears, however, that in process of time, the actual Instruction became really confined to a smaller body of men, who undertook the responsibilities originally intended for all Graduates. The fees paid by the Students would not have adequately remunerated a large number of Teachers; and it must have soon become impossible for all Graduates to act as University Teachers. The University therefore submitted to a compromise. It was content to impose the obligation of teaching on every Graduate for the space of two years only from the Degree. This seems to be the origin of the distinction between Necessary Regents, and other Masters or Doctors. Originally, all Masters and Doctors were Regents or Teachers by virtue of their Degree; but afterwards, those who taught did so under compulsion, for a limited period, and were called Necessary Regents.

See the quotations in Peacock's Observations on the Cambridge Statutes, Append. p. xliv.

Peacock, ut supr.

These Regents, in ancient times, were called Masters, Doctors, or Professors,—terms originally synonymous, as is observable in the Latin equivalent to "Doctor of Divinity," (Sanctæ Theologiæ Professor).

But the teaching even of the Necessary Regents had been superseded long

before 1636. At the close of the fourteenth century an enactment had been passed providing for the election of ten Prælectors, who were to lecture on the seven Arts and the three Philosophies of the Mediæval System. These were remunerated by the Masters, who were thus relieved altogether from teaching in person.

Between this time and that of Laud, permanent endowments for Professorships and Readerships had been made by the bounty of the Sovereign or of private persons; and therefore it was not thought necessary to revive more than four of the ancient Lectureships, which continued to be paid (as above stated) in the ancient manner, not only by a small fee from their hearers, but also by a tax on every one who became Master of Arts; and the reason expressly alleged in the Statute to have been, that the Masters were the persons "on whom of old the burden of lecturing was ordinarily laid." Stat. Univ. Tit. ix. Sec. 7.

Of this part of the Statutable System nothing remains but the names of the several Arts and Sciences over the doors of their respective Schools. The Lectureship in Logic, indeed, was revived in 1839; but the Prælector is now paid by a tax, not on Masters, but on Bachelors of Arts and Undergraduates.

2. COLLEGIATE PRÆLECTORS, PARTLY EXTINCT.

2ndly. Another class of instructors existed at the time of Laud, namely the College Prælectors. These Prælectors, in most instances, delivered Lectures only to the Members of their own Colleges. But at an earlier period this institution had, in some cases, been made available for the whole University.

Two Prælectorships had been founded for that purpose by Waynflete at Magdalene, and three by Fox at Corpus; and the example of these munificent patrons of learning had been imitated on a still grander scale by Wolsey, who established Professors, under the name of the Cardinal Lecturers, at his new College in Oxford. The designs of Waynflete and Fox have been long frustrated by the neglect of their injunctions. The institution of Wolsey, crushed for a time by his fall, has since been carried into effect.

The Regius Professorships of Divinity and Hebrew, which were founded in 1535 by King Henry VIII., and maintained at his command by the Chapters of Westminster and Christchurch successively, were by King James I. and King Charles I. endowed with Canonries in Christchurch. And to these Your Majesty, in 1839, was graciously pleased to add the Chairs of Ecclesiastical History and of Pastoral Theology, with similar endowments from the Canonries of that Cathedral.

3. UNIVERSITY PROFESSORSHIPS FOUNDED BY SPECIAL DONATIONS.

3rdly. There existed in the time of Laud a number of Professorships or Readerships endowed for the service of the University, without being attached to any College. These were the Chair of Divinity, established by Margaret Countess of Richmond in 1496, in the place (it seems) of a temporary Professorship, created a few years before by King Edward IV. Then followed the Chairs of Divinity, Hebrew, Greek, Medicine, and Civil Law, created by King Henry VIII. The next was the Readership of Natural Philosophy, founded by Sir William Sedley in 1611. Then came the two Professorships of Astronomy and Geometry founded in 1619 by Sir Henry Savile; because he thought that Studies hitherto disregarded ought to be cultivated in Oxford. "Seeing," he says, "that Mathematical Studies are uncultivated by our countrymen, and "being desirous of supplying a remedy in a quarter almost given up to despair, "and to redeem, so far as in me lies, almost from destruction sciences of the "noblest kind, I do found and establish two Public Professorships in the "Mathematical Sciences." The Professorship of Moral Philosophy was founded by Dr. Thomas White in 1621; the Professorship of Ancient History by the celebrated Camden, in 1622; the Prælectorship of Anatomy, to be held by the Regius Professor of Medicine, by Mr. Tomline in 1626; the Professorship of Music by Dr. Heather in the same year; and a Professorship of Arabic by Archbishop Laud in 1636. Wood's Annals, vol. ii., p. 825. Savilian Statutes, c. 1.

To the Public Professorships, coeval with the Laudian Code, many additions have been made. The Professorship of Poetry was founded by Dr. Birkhead soon after the year 1700. The Regius Professorship of Modern History owed its rise, in 1724, to the desire of King George I. that Englishmen should be imbued with a knowledge of European History. The Professorship of Botany was founded by Dr. Sherard in 1728; it received a further endowment from the Crown in 1793, and a Professorship of Rural Economy was attached to it by the will of Dr. Sibthorp in 1840. The

Anglo-Saxon Professorship, founded in 1740, under the extraordinary regulations, which we shall notice presently, was the result of the peculiar tastes, fancies, and quarrels of the antiquary Rawlinson. The Vinerian Professorship was founded in 1755 by Mr. Viner, to create a sphere for the energies of Blackstone, who had, at Lord Mansfield's suggestion, opened a course of lectures on the Laws of England, when on political grounds another competitor was preferred to him for the Chair of Civil Law. The Clinical Professorship was founded by the Earl of Lichfield in 1772. Soon after, a second Professorship in Arabic was endowed from the Lord Almoner's fund. In 1803, Dr. George Aldrich founded Professorships for Anatomy, the Practice of Medicine, and Chemistry; of which the first is now united to the Prælectorship of Anatomy, and the last has been further augmented by a grant from the Crown. Lectures on Experimental Philosophy were undertaken somewhat earlier by the zeal of individuals, with such success that at the beginning of the present century a Readership was founded, and endowed by a grant of public money. Lectureships on Mineralogy and Geology were similarly founded about the same time. These were followed by the Professorship of Political Economy, founded by Mr. Drummond in 1825; and the munificent endowments made by Colonel Boden for promoting the study of Sanscrit, in 1830. The Professorship of Exegetical Theology was added by the bequest of Dean Ireland in 1842; whose will contains a provision deserving especial commendation, to the effect that if the money could not be applied as he directed, it might be used for the promotion of Literature and Science generally, as the University should determine. The Professorship of European Languages was erected by the University in 1847 out of the bequest of Sir Robert Taylor. The greater part of these Foundations are due to the desire of individuals to foster particular branches of study not acknowledged by the University. The Prælectorship of Logic, revived, as we have mentioned, in 1838, to meet the increased demand for knowledge on that subject, is the only instance of a Professorship founded by the University itself in connexion with its course of studies.

Lord Campbell's Lives of the Chief-Justices, vol. ii. p. 378.

See Extract from his Will, in Translation of the Oxford University Statutes, vol. ii. p. 254.

LITTLE EFFECT PRODUCED BY THE PROFESSORIATE.

The operation of the system of University Instruction, or rather its failure, also requires a short description.

During the Middle Ages, whilst the whole governing body of the University consisted of Teachers only, it need hardly be said that the flourishing state of the University indicated of itself a flourishing state of University teaching. These ancient Teachers generally gave place to the Prælectorships established by the University, or founded in certain Colleges; and these Prælectors were (in part at least) superseded by the endowed Professors, who, in the Laudian Code, were formally acknowledged as the Instructors of the University. Of the most ancient system, only the shadow was then, as it still is, preserved in the formula of granting Degrees, and as is now no longer the case, by the delivery of six Lectures on taking the Degree. The College Prælectors, except those of Christchurch, were never recognised by the University. But to the Professors and their duties are assigned three long divisions of the Laudian Code, ranging through twenty-seven chapters, besides the special Statutes intended to regulate many of the Foundations.

Stat. Univ. Tit. iv. v. and vi.

It may be, however, doubted whether the Professorial system ever attained a full development. The Civil Wars, and the ejection of one party after the other, interrupted the course of study for many years; and from these interruptions perhaps arose in some measure the torpor which reigned in Oxford during the last century.

It has been already stated that the course of Instruction, and the long series of Exercises and of attendance on Lectures, extending, as the case might be, through three, seven, ten, fourteen, or eighteen years, has long since ceased to be enforced. It hardly needs to be stated that the delivery of statutable Lectures has ceased also. That this was the case long before the close of the eighteenth century, is proved by the censure pronounced by Gibbon, a censure confirmed by the earlier testimony of Adam Smith, and the later experience of Sir William Jones. "In the University of Oxford, the greater part of the public Professors "have for these many years given up even the pretence of teaching." There were, it is true, brilliant exceptions even then. Lowth, Blackstone, and Stowell conferred honour on their Chairs and on the University. The spontaneous exertions of individuals to promote the study of Natural Philosophy in the last

Sheffield's Life of Gibbon, vol. ii. p. 36.

century have been already noticed. Dr. Buckland's Lectures on Geology were much resorted to for some years after the foundation of his Readership. In still more recent times the name and character of Dr. Arnold attracted several hundred Students. The present Professors of Sanscrit and of Modern History have also on the few occasions on which they have delivered public Lectures been attended by numerous audiences. We cannot refrain from expressing our regret that those distinguished persons have not been encouraged by that success to renew the attempt. A considerable number of hearers has, for some time past, been secured to the Reader in Experimental Philosophy by a regulation of the Dean of Christchurch, who till lately compelled all his Undergraduates to attend one course of these Lectures; and many of these, as we are informed by Professor Walker, continue voluntarily the study thus commenced. And no doubt an able and eloquent Professor can command a numerous attendance if his Lectures relate to subjects of general interest, bearing directly on the Public Examinations. Yet the general fact is unquestionable, that the Professors are not now the Teachers of the University; and that of all the functions of the Academic body, that which was once, and which in the Statutes is still presumed to be, the most important, might cease to exist altogether, with hardly any perceptible shock to the general system of the place.

This cessation of Professorial Teaching is designated by the Hebdomadal Board, in the document to which we have more than once referred, as a "temporary interruption;" but it is an interruption which, so far as we can ascertain, has been the rule, and not the exception, for at least a century and a half. Appendix A, p. 3.

This state of things has been brought about by various causes acting and reacting upon each other.

CAUSES OF THE LITTLE EFFECT PRODUCED BY THE PROFESSORIAL SYSTEM.

In the first place, there is little demand for Professorial teaching. The influence of the Colleges has continually tended to limit the Studies of the University to subjects which can be taught by their own Fellows, and within their own walls. The Public Examinations as we have shown, have also assisted in bringing the Studies of the University within a narrow range. It is not to be expected that young men, who suppose their success in life to depend on success in these Examinations, will bestow or (as they think) waste time in attending Lectures which are in no way likely to promote their main object. Students have had no motive whatever supplied by the University to induce them to study Physiology, Chemistry, and the other Natural Sciences; they have had no sufficient motive for studying even History or Theology. Under such circumstances, the teaching of the ablest Professors would be unable to secure a permanent audience.

Again, the endowments of the Professorships, with three or four exceptions, are not such as to command the services of the ablest men, especially in a country like England, where the avenues of practical life are so open and so numerous. The revenues of Colleges (as we shall have to show more fully hereafter) cannot retain young men at Oxford, now that celibacy is not, as of old, a necessary condition for Holy Orders. The ablest Fellows of Colleges, who might aim at becoming Professors, are glad to accept livings, the masterships of schools, or any office which holds out the prospect of a settlement in life, and are thus, for the most part, lost to literature and science. And this cause will continue to operate against the efficiency of the Professorial system, even though the University has lately opened her doors to Sciences which cannot be studied without the assistance of Professors. The recent Statute demands or encourages the study of these Sciences; but, unless something is done to secure the services of the ablest men as Professors, it is not likely that Professorial teaching will thrive much more than heretofore.

REASONS FOR ITS RESTORATION.

The failure of the Laudian provisions for maintaining a Professoriate does not deter us from suggesting new measures for achieving the same end. It is clear that the Studies lately introduced require such measures: it is generally acknowledged that both Oxford and the country at large, suffer greatly from the absence of a body of learned men, devoting their lives to the cultivation of Science, and to the direction of Academical Education: it is felt that the opening of such a career within the University would serve to call forth the knowledge and ability which is often buried or wasted, for want of proper encouragement: it is evident that, for literary men, Academical rather than Ecclesiastical offices are the fittest rewards and the most useful positions. The

fact that so few books of profound research emanate from the University of Oxford materially impairs its character as a seat of learning, and consequently its hold on the respect of the nation. The presence of men eminent in various departments of knowledge would impart a dignity and stability to the whole Institution, far more effectual against attacks from without than the utmost amount of privilege and protection; whilst from within it would tend, above all other means, to guard the University from being absorbed as it has been of late years, by the agitations of Theological controversy. If the Professoriate could be placed in a proper condition, those Fellows of Colleges whose services the University would wish to retain, would be less tempted and would never be compelled to leave it for positions and duties, for which their academical labours had in no way prepared them, but would look forward to some sphere of usefulness within the University for which they would have been fitted by their previous occupations. A Professorship would then, in fact, become a recognised Profession.

OBJECTIONS TO THE PROFESSORIAL SYSTEM.

In the Evidence laid before us there is an almost unanimous opinion given in favour of establishing an active Professoriate. But one gentleman, Mr. Pattison, Fellow of Lincoln College, argues against the policy of this step with so much earnestness, that his objections require some notice, especially since we believe there are many persons who entertain sentiments of a similar kind.

Evidence, p. 44.

"I am not," he says, "comparing Professors and Tutors personally; but the "system of delivering courses of original Dissertations to a miscellaneous au- "dience, with that of leading the Student, in classes carefully selected, to "master for himself some of the standard books in the various subjects. Many "Professors, indeed, occasionally adopt the latter, which we may call the cate- "chetical method; and, *vice versa*, the College Tutor is often tempted to sub- "stitute for the dry and laborious exercise of construing and analysing, the "more agreeable task of dictating to his Class an extempore Dissertation on a "favourite topic of History or Philosophy. But the two Systems may be fitly

Evidence, p. 45.

"contrasted as the Professorial and the Tutorial." And, again:—"If Pro- "fessorial Lectures were a mode of teaching directed towards the same end as "College Lectures, and an inferior mode, they might be safely left to their "fate; any attempt to revive them would fail. But the mischief of the Pro- "fessorial System is that it implies a different idea of Education; that it aims "at, and is the readiest and easiest way to, a very inferior stamp of mental "cultivation, but a cultivation which, from its showy, available, marketable "character, is really an object of ambition in an age like the present. . . . . "The Professorial and Tutorial methods represent respectively the Education "which consists in accomplishment and current information, and that which "aims at disciplining the faculties, and basing the thoughts on the permanent "ideas proper to the human reason." As examples of the mischief done by what he here represents as Professorial Teaching, Mr. Pattison alleges the state of science in America and in modern France.

These positions are expanded and illustrated at considerable length in the paper to which we have just referred; but the passages extracted seem to contain the whole substance of the objections.

ANSWERS TO OBJECTIONS.

It appears to us that these positions involve several assumptions; first, that the Tutorial and Professorial Instruction is incompatible, so that if Professors become the active teachers of the University, the teaching of Tutors must cease altogether; secondly, that Tutorial Instruction may and will supply all that can be required by the University, however widely its Studies may be extended; thirdly, that the Instruction given by Professors or their substitutes must be of a superficial kind, resembling that of popular Lecturers. These assumptions do not appear to us well founded.

Reserving for the present the question as to the possibility of combining the Instruction of Tutors with that of Professors, we will examine the other two points assumed.

TUTORIAL INSTRUCTION NOT SUFFICIENT.

That the present state of Instruction is unsatisfactory we have already shown, chiefly from the Evidence of Mr. Pattison himself. He, like others, has not only borne testimony to this fact, but expressly ascribes it to the deficiencies of the present Tutorial system. It is, in fact, notorious that the want of a higher quality of Instruction has, in great measure, thrown the Philosophical Instruction given at Oxford into the hands of the Private Tutors. Mr. Pattison

speaks of the mischief resulting from the "conceit of knowledge, where know- Evidence, p. 49.
"ledge is not;" and he appeals "to the experience of every Oxford Tutor to "bear witness to the great amount of tumid verbiage, of metaphysical and "philosophical terms current among Students in their third year, who are "quite untrained in the power of reasoning, of distinct thought, and correct "knowledge of language." He thinks, apparently, these evils would be increased by Professorial Lectures. We believe, on the other hand, that the evils are due chiefly to imperfect teaching; and we entertain a strong opinion that nothing would tend to diminish the demand for such spurious knowledge more than the labours of Professors profoundly acquainted with the difficulties of their subjects, and therefore well fitted to measure the capacity of learners.

Mr. Pattison, however, seems to think that Tutorial Teaching should alone be admitted at the University; and he looks to a reform in the Colleges for the appointment of more able Tutors. We join in the hope that College Reform will do much to confer on the University more efficient Instruction within the Colleges themselves. But such Reform must be imperfect, so long as the Tutor-Fellows are prohibited from marrying,—a prohibition which, as we shall hereafter show, it will not be expedient to remove generally. Therefore, however much the Fellows are improved, they cannot be expected to look on their position as more than temporary, and will not, in general, devote themselves permanently to the service of the University. But this end may be secured, if the best Tutors are able to look for the reward of their labours in the more desirable and dignified position of Professors; and, under this point of view, the Professorial system will be not the antagonist, but the crown and completion of the Tutorial.

Further, it must be remarked that the above argument applies, almost exclusively, to such subjects as History or Moral Philosophy, and takes no account of the Natural Sciences, which the University has recently acknowledged as part of its course of Study. For these Sciences, at any rate, Tutorial Instruction will be insufficient, without the aid of Public Lectures.

PROFESSORIAL TEACHING NOT NECESSARILY POPULAR AND SUPERFICIAL.

Nor does the argument apply to Professors of History and Philosophy, except on the assumption that their Classes are to be "miscellaneous," made up of true learners and mere dilettanti, mingled as they are on the benches of a metropolitan lecture-room. But this need not be so. It is to be presumed that the Students who attend the Professor's Class will already have received from their Tutors elementary instruction in the subjects on which he lectures. This will be the proper sphere for Tutorial teaching. Mr. Bethell desires the aid of Tutors for imparting the first elements of Law; Mr. Senior for teaching the principles of Political Economy. Or, if College Tutors decline this task, it may be executed by University Lecturers, a class of Teachers whom we shall notice presently. Thus it will not be necessary for the Professor to give mere popular Lectures, such as alone are suited to an audience absolutely ignorant and uninstructed. His Lectures will be addressed to earnest Students; and all subjects, whether elementary or not, will be treated in scientific form. A Professor alive to the importance of his office would not accept his office on other terms. Indeed, we cannot see why it should be supposed that a University Professor must sink into a mere popular Lecturer. In many cases it is probable that the Professors will be chosen from the ranks of the Tutors; and is it to be supposed that the Tutor's nature will be at once changed by his becoming a Professor? Whether a Professor be engaged in conveying the elements of his subject, or in dwelling on its higher and more recondite topics;—whether his Lectures are couched in language, and in a method, adapted to impart instruction in the most clear and simple manner, or in a way fitted for original and profound enlargement upon his theme;—in either case it is difficult to divine any reasons which should lead us to anticipate that the labours of the most learned, eloquent, thoughtful men should, as soon as they are elevated to the Professorial Chair, degenerate into mere show, or result in the manufacture of wares dressed up for the market of the present day.

Evidence of Mr. Denison, p. 199.
Evidence, p. 280.

The force of this objection seems to be, that Lectures delivered ex cathedrâ by Professors tend to favour the mere acquisition of knowledge at the expense of that valuable portion of education which is given by each man to himself, and which is supposed to be peculiarly fostered by the Tutorial system of instruction. This argument again rests on the assumption that all other teaching

must necessarily be superseded by that of Professors. We shall endeavour to show presently that all the benefits of the present Tutorial system, whatever they amount to, may be retained along with the more accurate and scientific instruction to be given by Professors. But we must be allowed to doubt whether the wholesome self-education on which so much stress is laid be not more discouraged by tuition as it exists at Oxford than it would be by Professorial instruction. Young men will rely more or less upon their Teachers; it is this pliancy of mind that makes education possible. At present they rely with great faith on their private Tutors. It would assuredly be better that they should put their trust in men who are really Masters of Science, than in persons very little older and not much wiser than themselves.

PROFESSORIAL TEACHING, NOT DANGEROUS IN ITS TENDENCIES.

A kindred objection to that just noticed, is that the Professorial system would introduce into Oxford a tone of teaching and opinion similar to that of foreign Universities. It is evident on a more careful consideration of the subject that an active system of Professors would, in fact, be the best safeguard against such an evil. "I cannot help observing," says Professor Vaughan, "that such "an apprehension appears to me hasty and ill-founded, and indeed, if duly consi- "dered, the reverse of the truth. At the present moment the teaching of the Uni- "versity is, on the whole, indirectly determined (so far as the information itself "is concerned) by the Professorial system. Our classical manuals, editions, "histories, grammars, &c., are the work of Professors. These Professors are "foreigners, and, as we have no similar class in our own University which might "supply us, their superiority to our home-grown literature on such subjects is "incontestible. The University is thus obliged to adopt the works of foreigners "on many subjects, and with this is coupled the necessity of instilling in some "degree their general principles of criticism and philosophy. Had we a Pro- "fessorial system of our own, embracing all the great subjects of instruction, the "national character and genius would assert itself in their works. The spirit "of our own institutions, intellectual character, domestic life, and moral "qualities, would necessarily be at work in the minds of our Professors to form "a literature and philosophy independent, native, and, in the truest and most "valuable sense, congenial; it would, therefore, not tend to make us copyists of "foreign systems either in form or spirit, but would open for us a new source "of independence in these things. I do not confine the utility of Professors, by "any means, to the direct teaching of Undergraduates; but an infusion of such "teaching into the University system must be beneficial, and must tend to give "interest, comprehensiveness, and depth to the instruction."

Evidence, p. 86.

PROFESSORIAL TEACHING NOT SUPERSEDED BY BOOKS.

It has sometimes been argued that the invention of Printing has superseded the use of public Lectures, and that Books now convey the knowledge formerly communicated by Professors. It may be remarked however that, if in former days Professorial Lectures were made necessary by the want of books, at the present day an able Teacher is rendered no less indispensable by their abundance. Such a Teacher furnishes the Student with a chart to guide him through the labyrinth of knowledge that surrounds him.

Doubtless, a tedious and inanimate Lecture is less instructive than a Book, equally tedious and inanimate; and there are many whose tastes or whose avocations will prevent them from attending even the best Lectures, which they know that, sooner or later, they will read in print. Still the general impulse which would emanate from a resident body of eminent men can never fully be communicated to the whole place except through the medium of Lectures orally delivered. The rumour of them traverses the University; if only one out of fifty attends them, his report of them becomes the subject of conversation. By the facility of approach which the intervals before or after the Lectures afford, the Professor is accessible to the questions or suggestions of his Pupils; a facility for which the Laudian Statutes wisely provide by an express enactment. If inspired with ardour for his subject, it is by the intercourse of Lectures that he can best excite a corresponding fervour in his hearers; and that their fervour can react upon him, and lend to his exertions that most powerful incentive to a Teacher's labours which Niebuhr so well describes in his expression of gratitude to his audience at Bonn. "The words of Pyrrhus to his Epirots, 'Ye are my wings,' "express the feeling of a zealous Teacher towards hearers whom he loves, and "whose whole souls take part in his discourse. Not only are his researches "promoted by endeavouring to make himself clear to them, and to utter nothing "as truth which can admit of a doubt—the sight of them assembled before him,

Preface to Niebuhr's History of Rome.

" the personal relation in which he stands to them, awaken a thousand thoughts " while he is speaking." It is manifest indeed that Professorial Lectures tell not only on the Pupils, but on the Professor himself. By the publicity of his teaching, by the knowledge that his words are addressed to persons highly-educated, and well capable of appreciating excellence, he is excited to unfold and clear his thoughts, and arrange them in a harmonious whole. If books have superseded Professors, it may safely be asserted that without Professors some of the best books in all languages would never have been written; and to the necessity of fresh examination of the same subject, when the Professor is called on to repeat his lectures, must be attributed that exactness and comprehensiveness which distinguish many standard works. With this incentive more than one eminent man might have been induced to pursue trains of thought which have perished with them; as (for example) Sir James Macintosh, whose favorite object from early youth to the decline of his life, was to obtain a Professorship at Edinburgh. To this cause also may be traced the origin of works which have swayed the thought of ages, and influenced the practice of nations, such as the Philosophic writings of Aristotle and Adam Smith. Nay, so strongly does this feeling affect the mind of authors, that some among them have presented written books in the form in which they would have addressed an attentive audience. While these words are being written, the first volume of Sir F. Palgrave's History of England has appeared, in the introduction of which the author thus presents himself to his readers:—" He appears somewhat in the " character of a Lecturer who prints his Lectures as they have been reported " under his direction; he addresses Pupils who belong to him, who interest " him, whom he exerts himself to teach, trying to render his lessons intelligible " and agreeable, varying his modes of expression according to the spur of the " moment or the play of thought, and throwing in occasionally a word when he " judges, by the aspect and manner of his hearers, that an explanation or " modification, or an awakening of attention, is needed."

PROFESSORSHIPS NOT MERELY FOR TEACHING, BUT ALSO FOR SUPPORT OF LEARNED MEN.

So far we have been speaking of Professors only as Teachers. But the Professor will serve higher purposes still, by "devoting himself" (as Mr. Pattison himself observes) " to the cultivation of the more abstruse parts of his Science." On this subject it is needless to do more than quote the language of Professor Vaughan: " Great would be the loss (he says) if our Professors were not to " lecture at all, and great would be the waste of intellect and knowledge if " the Undergraduates did not habitually attend Professorial Lectures. But the " teaching of Undergraduates is not, I conceive, the only nor indeed the chief use " which Professors may answer in our Universities. The great want of Oxford " hitherto has not been merely nor chiefly that the Professors have not been " sufficiently active in Teaching, but that the system has disfavoured the " existence, and missed the general effects, of Professorial Learning. Some " powerful men we have had; a considerable body, or a constant succession of " such we have not had; men who could give authoritative opinions on matters " connected with the sciences; whose words when spoken in public or private " could kindle an enthusiasm on important branches of learning, or could chill " the zeal for petty or factitious erudition; men whose names and presence in " the University could command respect for the place, whether attracting Stu- " dents of all kinds and ages to it, or directing upon it the sight and interest " and thought of the whole learned world; men whose investigations could " perpetually be adding to knowledge, not as mere conduits to convey it, but as " fountains to augment its scantiness, and freshen its sleeping waters. Of such " men we desire more than we have had. The first care must be to encourage " the existence and promote the creation of such. The mere enlargement of " the salaries cannot do this at first, or by itself; but in course of time, and " combined with a good system of appointments, it will probably have this " effect. But it would be well to consider whether, especially at the com- " mencement, we shall not make the process of creating and inviting powerful " men all the more difficult if we impose, by unyielding rules, the same burden " of constant instruction as a necessity upon all. It would doubtless produce " more teaching, in the common acceptation of those words, but it would lead " also to second-hand learning, hand-to-mouth lectures, and the instalment of " a race of men in our Chairs without enthusiasm, eloquence, profundity, or " venerable acquirements. Such remarks may perhaps invite one observation, " that at any rate there should be some guarantee for the activity of Professors,

Evidence, p. 46.

"and that in providing this security large allowance must be made (as has been "said) for 'the power of human indolence,' to deter men from great exertions. "But to this again there is a reply, the truth and sufficiency of which will "appear the more, I believe, the more it is considered. The position holds "true if wrong appointments are made. If right appointments are made, those "will be selected to represent a branch of study in the University who are "cultivating it with energy and delight. It has been, it ever will be, the "tendency of men eminent in any intellectual pursuit, to be enthusiastic, to "carry their exertions to the extreme limit of their constitutional strength, "because they find in it, and must find in it, the purest, the deepest, and the "most enduring pleasure, in comparison with which, so long as vigorous health "remains, idleness is privation, and amusement a meagre pastime. In all cha- "racters, it is true, this activity may not show itself in teaching classes, or even "audiences; but in the great majority it will, because if a man do but possess "the knowledge and the ability to comprehend a subject fully, all the common "impulses, all the common weaknesses of our nature, will, in the majority of "cases, urge him to teach what he knows; the love of respect and importance "and superiority, and the love of social employment, in addition to the slighter "but not unfelt consideration of increased emoluments. To all these must be "added a sense of duty and a desire to do good, and if there be those amongst "the Professors well chosen who stand beside or above the operation of these "motives, they will be few, and they will not often be those of whom the "University will have need to be ashamed. They will labour in a different "way, and be fruitful. They will investigate, reflect, and write, even if they do "not very actively lecture: they will address the world, if not the students of "the Academy, and their words will come back to the University, in some "form, 'after many days.' They may not irrigate the ground immediately "beside them, but the abundance of their spring-heads, and the larger volume "of their pent-up waters, must go forward to feed and cleanse the cities of the "earth, or to move the vaster wheels of European literature, or to deepen the "main sea of the world's knowledge. Much, too, must, in spite of recluse habits, "insensibly evaporate and fall again in showers, seasonable ever, though capri- "cious, upon the spot. If we look to a single branch of learning in past time, "who have done more for us during our time of narrower instruction than the "silent men,—the Bentleys and the Porsons, the Elmsleys and the Gaisfords, "of our Academies? Doubtless, too, there may, after the best organisation of "a system of appointment, be some failures; but throughout nature as through- "out society, there must be some waste, and the most stringent conditions for "lecturing could elicit nothing from such men but a decent compliance with "the letter, and a triumphant evasion of the spirit of such rules."

PROFESSORS TO BE ASSISTED BY UNIVERSITY LECTURERS.

The objections urged against Professorial teaching may be further obviated by the adoption of a recommendation contained in several portions of the Evidence laid before us. It is suggested that it will be expedient to establish, under the name of Assistant-Professors, or Lecturers, a grade of Instructors subordinate to the Professors, but yet lecturing on the same subjects, and, if need be, acting as their deputies or substitutes.

The functions which these Lecturers would discharge are well described by Mr. Bartholomew Price and Mr. Scott.

Evidence of Mr. Bart. Price, p. 63.

"As such Professors would be, it is hoped, some of the most eminent men "in their respective departments, as it would be injurious to them that their "time should be wholly employed in giving Lectures in the elements of their "learning, as well as the higher parts, to the younger Students; they ought, "therefore, to have leisure for pursuing their respective studies, and for enlarging "the bounds of their sciences, being, as it is presumed, persons capable of doing "so; but, inasmuch as the Students have also a claim on the University for "instruction, and as it ought to give that teaching which is now derived from "private Tutors, it seems desirable that, when it is necessary, there should be "public Teachers of a different kind to the Professors, who might be called "Public Lecturers, whose duty it should be especially to give Lectures to "Students. This I consider to be a matter of the utmost importance for the "efficiency of the system."

Evidence of Mr. Scott, p. 112.

"The *Ordinary Professor* (to use the Continental phrase) in any department, "might . . . . avail himself of the services of *Extraordinary Professors*, or *Lec-* "*turers* . . . . . among the Fellows of Colleges. The class which now furnishes

"Private Tutors would thus have a work, perhaps less lucrative, but more "interesting, and reflecting more credit on themselves; and they would be "trained for the University and College duties to which they might afterwards "succeed. Such coöperation of several Lecturers, under the direction of one "responsible Ordinary Professor of the Faculty, would probably work better "than the establishment of coördinate, and perhaps rival Professors. At least, "on the Continent, the rivalry of Professors is sometimes found to lead to "illiberal competition. It would also require a smaller fund for their income. "And it would create a body of competent candidates in each Faculty, from "which the successors to vacant Professorships might be selected with less risk "of mistake, wherever the patronage might lie."

It is evident that such an intermediate grade of Lecturers would at once serve the purpose of opening prospects of advancement to the Tutors, Collegiate and Private; would act as a wholesome stimulus to the Professors themselves; and would to a great degree supply the demand which is now supplied by private Tutors, often with detriment to themselves and their Pupils. Some such body is found in all foreign Universities where the instruction is mainly carried on by a Professorial system; and in Oxford somewhat of a precedent has been afforded by the present Regius Professor of Hebrew who has since his appointment to that office secured by a small salary the help of an Assistant Lecturer to instruct in the elementary parts of the Hebrew language, whilst the Professor himself takes the higher branches of interpretation and criticism.

All these reasons, powerful as they are even in the present state of the University for the enlargement of the Professorial system, would be considerably strengthened if an extension of the University were to take place. The services of the Professors and Lecturers will be doubly required for those University Students who will not have the same advantages of College Tuition as the present system affords; whilst, on the other hand, the introduction of a new class of Students desirous of instruction in the Elements of Jurisprudence, and of Medicine, and in Physical Science generally, will furnish audiences which many of the Professors cannot now command. The same remark applies with equal force to the extension of University studies. The wants already created by the recent changes in the system will necessitate the introduction of Professors to meet the need which cannot be supplied by College Tuition; the establishment of Studies more directly subservient to professional life will add to this necessity; whilst the establishment of an Examination at Matriculation, as already urged, would furnish the Professors with Students capable of profiting by their Lectures.

COMBINATION OF PROFESSORIAL AND TUTORIAL INSTRUCTION POSSIBLE.

We must now revert to a question above noticed, namely, whether the teaching of Professors and Tutors are compatible; whether both can find useful spheres of occupation in the same University. We have already said enough to show that we think this combination not only possible, but desirable.

Evidence, p. 37.

"I see no reason (says Mr. Jowett) to fear that any increased activity in the "Professors will cause a collision between them and the Tutors. Difficulties "of this kind will adjust themselves as they have already done, in cases where "the lectures of Professors were of such a character, as to collect a considerable "class. In the first place, it may be remarked, that the two spheres are partly "different. On many of the subjects of Professorial Lectures, the Colleges "afford no means of instruction. On other branches of knowledge, such as "Theology, Classical Literature, History, Philosophy, which are common to "Tutors and Professors, the Professors' lectures might be reserved for Under-"graduates in their third year, and for B.A.'s. In this way, it may be expected "that private tuition will be in a great measure superseded for the superior "class of Students; also that the number of resident B.A.'s would considerably "increase if the Professors' lectures afford an inducement to them to remain. "To which may be added, that Professors and Tutors, when engaged on the "same subjects, would treat them differently.

"Many subjects of instruction naturally divide themselves. Latin and "Greek composition, written exercises generally, would fall under the super-"intendence of the College Tutor, whose business it would be to take up and "perfect the education of school. Ethical and Logical Science could be as "well or better taught in Professorial Lectures after the first elements of them "had been received from the College Tutor.

"It is neither to a system of Professors or Tutors that I should trust for "improving the instruction of the University, but to both together, acting in

"connexion with each other. To give up the Tutorial System would be to "give up a great good which already exists, and is closely connected with the "peculiarity of the English Universities as an assemblage of Colleges. In "Foreign Universities the Professorial System has been resorted to, not from "choice, but from necessity. Our wealth gives us the means of combining the "two, and of carrying out the spirit of each more perfectly. The Tutor begins "the work which the Professor is to take up and complete. The former will "have more time for personal acquaintance with his pupils, while the latter "will be freed from the drawbacks, which in a Scotch or German University "destroy half the advantages of a Professorial System, and will be enabled to "work more profitably from having an audience better fitted to receive his "instructions."

Of the various plans which Mr. Jowett mentions for adjusting the relations between the two classes of Teachers, the most popular seems to be that of Mr. Bonamy Price. He proposes to combine the two systems, by leaving the education of Undergraduates to College Tutors for their first two years, and by transferring them for their last year to the Schools of the Professors. This plan, we must observe, proceeds on the assumption that all Students are to be connected with Colleges and Halls. As we are desirous to admit other Students to the benefits of the University, this of itself would prevent us from approving of Mr. Price's plan as compulsory. But even Collegians ought not to be subject to one uniform rule; and the argument of Professor Vaughan against the scheme inclines us to wish that no absolute line should be drawn between Tutorial and Professorial periods of education. "This arrangement "(he says) is advocated on the ground that the last year would find the "Students sufficiently advanced to need, and to profit by, a higher style of "instruction. I confess that to me this mode of uniting the two systems "appears objectionable on the following grounds. In the first place, such an "arrangement would, I think, tend to make the Professor into a Tutor of the "third year. The functions of Professor would become merged in that of "Tutor-Professor, and the tendency towards this result would carry with it an "undesirable change in the habits and faculties of the Professor himself. "Again, such an arrangement is not, I think, based on a sound view of the "condition of the Students. Some are more advanced in attainments, and "have greater powers of comprehension and digestion in their first year than "others have in their last; and with respect to such it would, I think, be "unwise, almost unjust, to keep them in the University for two years without "opportunity or encouragement to catch the spirit of its best instruction. And "even with regard to the less eager Students, it does not follow that they "might not attend with profit a Professorial course, a part of whose functions "it should be to kindle an interest, and to exhibit a proper method of inquiry "and thought, and so to aid in bringing sluggish temperaments and dormant "faculties into action. On this ground I am inclined to think, that even the "less advanced might attend with benefit and listen to one whose talents and "attainments had raised him to such a position as a Chair in our University "ought to be, and, I trust, will be."

See his "Suggestions for the Extension of Professorial Teaching at Oxford," London, 1850.

Evidence, p. 87.

Professor Vaughan himself thinks that both systems might co-exist:—"If (he "continues) the system of tuition in Colleges .... is maintained, as a compul- "sory and universal means of education, it might be accompanied by an "arrangement which should somewhat relax the exclusive character of its "action, so as at least to be attended by a concurrent instruction through "Professors. A portion of each day should be left sacred to the attendance "on Professors. Were even one entire available hour of the day—an hour in "which the faculties are still fresh—kept disengaged from Tutorial work, even "such an arrangement would give much more freedom to the Professorial "system than it possesses at present. Such attendance should be considered "as part of the work of the place."

Compare the Evidence of Mr. Maskelyne, p. 187.

We believe, indeed, that many Students will require the assistance of a Tutor throughout their whole career. The attention of the listless and the apprehension of the dull will require the careful assistance of Catechetical teaching throughout their course. And to Students past the elementary stages of learning, who are attending the Lectures of eminent Professors, the private lessons of the College Tutors will be found very valuable by way of supplement to the Public Instruction. The Tutors will repeat, in other forms, the instruc-

tion received from the Professor, and ascertain the exactness of the knowledge gained by their Pupils. But there is much in every branch of study which cannot be taught by Tutors alone or well; and there is much in the system of Studies, lately adopted by the University, which cannot be taught by College Tutors at all. It is through the eye, and by means of collections and experiments, that much of Physical Science must be communicated.

But there is no reason why many of the Professors, and their subordinate Lecturers, should not give Catechetical Instruction. The Professors of Divinity, at present, not only deliver Public Lectures, but also teach their classes privately. Many of the Lecturers, at least, might have classes not larger than those which attend College Tutors, and would naturally adopt the same mode of teaching. A paramount advantage of the University Lecturer over the College Tutor would be, the former confining himself to some one branch of study, while the latter is obliged to teach many, would impart his knowledge in a more perfect form, supposing their natural abilities and diligence to be equal. Another advantage, more important still, would be that each Student would have the opportunity of receiving instruction from persons of known ability, and not be compelled to rest satisfied with such Teachers as his own Society can provide. He would become a Member of a large, and not merely of a small University.

The work of the College Tutors would, no doubt, be changed, and a great part of what they now attempt ineffectually to discharge would then be performed by the Lecturers and Professors. But their relations with their Pupils would probably be more intimate and confidential if they were less complicated and multifarious; and the prospect of a more definite and honourable position in the University, as Lecturers or Professors, would more than compensate for the loss of the immediate advantages which they now gain by their quasi-professorial occupations.

Private Tutors would (it is to be hoped) be resorted to only where individual and solitary supervision was required. Even in these cases they would be superseded to a great extent by the College Tutors, who would then have more time than they have at present for individual superintendence. Private Tutors would be rendered unnecessary, during Term at least, by the improved Instruction accessible to every one from the Professors and Lecturers. Into this body the more eminent of those who would otherwise have become Private Tutors would be absorbed, and would be enabled to employ their time and talents in a manner more profitable both to themselves and others.

Mr. Bonamy Price well observes on this subject:—"As at present carried "on, private tuition is fatally adverse to the Tutor's progress; it has no "tendency to improve him. The Private Tutors are commonly men who are "flushed with recent success in the Schools, and are sought out to retail to "others that knowledge which acquired for them their Honours. The real "qualification for being a successful Private Tutor is the learning acquired in "reading for Honours; so that most Private Tutors in turn are superseded by "their juniors. In this process the Private Tutor is making no addition to his "attainments, and is qualifying himself for nothing; he is merely turning to "account the knowledge previously obtained. .... A well-organised Profes-"sorial system would destroy one root of much mischief in the Private Tuition "—the cramming caused by the ever-recurring round of preparation in the "same fixed books for the Bachelor's Degree." Evidence, p. 195.

We trust that, by the establishment of Public Teachers, the theory of the University will be carried out effectively, without unduly infringing on the duties which could be better discharged by Colleges. Harmony between the Public and the College Teachers would be further secured by the control which we have proposed that the Professors should exercise over the Examinations. If this should be carried into effect, no Tutor would venture to prevent, and all good Tutors would be anxious to promote, the attendance of their Pupils on such Professorial Lectures as would prepare them for Examination, and assist them in their Academical Course. Without, therefore, proposing any definite scheme for combining the two systems, we venture to express a firm belief that, if the Professors were called into activity, no long time would elapse before both kinds of teaching would be found working in harmonious coöperation.

There is, perhaps, no object to which internal and spontaneous efforts within

RECENT ATTEMPTS TO RESTORE THE PROFESSORIAL SYSTEM.

the University itself have so often and so earnestly directed attention as to that of giving to the Professorial body the conduct of Academical Education. Hitherto, however, little has been effected. In 1839, the revision of the Statutes of the University, above noticed, afforded an occasion for a general discussion of the whole question in numerous publications, by Members of the University, of which, however, the only permanent result was the endowment of a Professorship of Logic, as already related. In the New Examination Statute there is a provision, not found in any of the preceding Statutes on the same subject, imposing, as a necessary condition, on all candidates, attendance on two courses of Professorial Lectures. In itself this provision is almost nugatory; but as the recognition of a want it is important.

More recently, since Your Majesty's Commission was issued, the Hebdomadal Board brought forward a measure which had for its object the application of 23,000*l.* out of 60,000*l.* (handed over to them by the Delegates of the University Press), to increase the endowments of those Professorships of which the value was below 300*l.* per annum. This Statute, though some portions of it were at first rejected, has since been passed by Convocation.

GENERAL FEELING ON THIS SUBJECT.

To represent fully the feeling in Oxford in favour of creating an effective Professoriate would be to reprint a portion from the Evidence of almost every gentleman who has communicated with us. And we have the satisfaction of observing, that the Hebdomadal Board, in their letter to the Chancellor of the University, acknowledge "the combination of the Professorial and Collegiate "system," to be "most important and most beneficial."

Appendix A. p. 3.

Our conclusion therefore is, that for any healthy and complete scheme of University Reform, it will be necessary to re-construct the Professorial system, to procure for the Professors ample endowments, to raise them to an important position in the University, and to call to their aid a body of younger men, under the name of Lecturers, in order that the supremacy of Learning and Science may be duly recognised, that the permanent services of able men may be secured for Academical purposes, and that the Education of the place may be conducted on general principles acknowledged and authorised by the University.

MEANS OF RESTORING THE PROFESSORIAL SYSTEM.

We now proceed to suggest the chief means by which the Professorial system may be restored and enlarged, and to point out the chief obstacles, by which its efficiency is hindered.

NEW ARRANGEMENT OF THE PROFESSORIAL STAFF.

The number of new Professorships required, and the increase needed in each department, may best be considered in relation to the several Schools into which it has been proposed to divide the higher Studies of the University. The Professors in each of these Schools, may for this purpose be conveniently distributed into distinct Boards, called by the same name.

I. THEOLOGY.

I. The Board of Theology, consisting of six Professors, including the Chair of Hebrew, is sufficiently provided for, in numbers, in distribution, and, it may be added, in endowment.

II. PHILOSOPHY AND PHILOLOGY.

II. The Board of Mental Philosophy and Philology may best be considered in reference to the two departments into which we have recommended that it should be divided.

Evidence of Prof. Vaughan, p. 87.

(1.) The School of Mental Philosophy is at present "very inadequately "represented by a Professor of Moral Philosophy (elected for five years "only), a Professor of Aristotelian Logic, and a Professor of Poetry" (also elected for a term of five years). One or more additional Professorships are needed to carry on the researches of Moral and Mental Science, in a manner worthy of the University of Locke and Butler. The present Professor of

Evidence, p. 263.

Moral Philosophy says:—"Two Professorships would, I think, be sufficient "for the purpose. I should prefer, however, seeing one new Professorship "created, which should be called the Professorship of Mental Philosophy, "and the present Professorships of Moral Philosophy and of Logic retained as "Sub-Professorships," so that they would divide between them the whole domain of the intellectual and moral powers, together with the History of Philosophy. The particular department of lecturing on the principles of Taste and Criticism should be assigned to the Professor of Poetry, and with him should be associated a Lecturer on Art, especially that of Greece. The stipends of the existing Professors are wholly inadequate to secure a succession of able men devoted to learned pursuits.

(2.) The School of Philology would include Classical, Oriental, and Modern languages, and would be represented by the existing Chairs of Greek, of Sanscrit, of Arabic, and of "the European Languages." None of these Professorships (with the exception of the Sanscrit) are adequately endowed.

As one Chair of Arabic would supply the demand in that department, the two existing Chairs might with advantage be amalgamated. It has also long been a subject of complaint, that the University of Oxford has no Professor of the Latin language and literature. The Professor of Sanscrit, well endowed, and teaching a language which never will be much studied for its own sake in Oxford, but which offers the best basis for the modern Science of Comparative Philology, might well be required to extend his labours over a field which promises results so copious and so interesting. The Professorship of Anglo-Saxon ought to be relieved from its present vexatious restrictions.

III. JURISPRUDENCE AND HISTORY.

III. The Board of Jurisprudence and History would comprise the Regius Professor of Civil Law and the Vinerian Professor of Common Law, together with the Camden Professor of Ancient History, the Regius Professor of Modern History, and the Professor of Political Economy. It is most desirable that there should be, at least, two Professors in the wide field of Modern History, one for the History of England only. The creation of a second Chair might, however, be postponed till it was seen whether there was sufficient demand for the teaching to justify the outlay. Provision should also be made for Lectures on International Law. None of the existing Professorships are properly endowed, except perhaps that of Civil Law. It is necessary, however, for us to call attention to the Evidence of Dr. Phillimore, who points out that, by what appears to have been an inadvertence of an Act passed during the last Session of Parliament, the Chair of Civil Law is in imminent danger of losing the great bulk of its emoluments. Evidence, p. 254.

IV. MATHEMATICAL AND PHYSICAL SCIENCE.

IV. The Board of Mathematical and Physical Science must be considered, like the Second Board, in reference to its two departments.

(1.) The School of Mathematical Science would be under the charge of the two Savilian Professors of Geometry and Astronomy. That these two Chairs are inadequately endowed, and that lapse of time and change of circumstances, have set the letter and the spirit of the Founder's will completely at variance. Of this we shall say more presently.

To these Professors should be added a Teacher of the Mathematical Laws which regulate the phenomena of external Nature, commonly called Mixed or Applied Mathematics. This department might be assigned to the Sedleian Professorship of Natural Philosophy, which is also very insufficiently endowed.

(2.) For the School of Physical Science there are already a large number of Professors; but almost all of them are inadequately endowed, considering the work which will be required of them, if these Studies are (as we expect they will be) extensively pursued. The present Professors are: the Regius Professor of Medicine, who, by the will of the Founders, also holds the two Lectureships of Anatomy; two other Professors of Medicine, the Professors of Experimental Philosophy, Chemistry, Botany, Geology, and Mineralogy. For these Chairs we beg to suggest the following arrangement, which is borrowed, with some modification, from the the Evidence of Dr. Acland —

The Regius Professor of Medicine, with its associated Chairs of Anatomy, should receive the title of Regius Professor of Medicine and Anatomy, and should devote himself wholly to the study and teaching of Physiology and Comparative Anatomy, as being the most important of the Fundamental Sciences which Medical Students could be taught at Oxford. This Professor (says Dr. Acland) "should teach Human Physiology at one period of the year, "and Zoölogy and Comparative Anatomy at another. He should be the person "responsible for the Anatomical Museum, and should have power to appoint "a Lecturer in Anatomy, if he should desire to be relieved of the duty of "lecturing on Descriptive Human Anatomy. The Lecturer might be a resi- "dent Physician or Surgeon in practice in the city, who would, in his younger "days, gladly undertake this office for a very moderate salary." Evidence, p. 237.

The two minor Professorships of Medicine (Clinical and Aldrichian) should be combined into one Professorship of Medicine and Pathology, and bestowed on a Physician, who should "teach those parts of General Pathology which

" would *prepare* the Student for pursuing his clinical studies in the metropolis " or other great cities." He " should be at liberty to follow the practice of his " profession, or be one who had extensively engaged in it, without which he " would hardly command the confidence of his colleagues or of his pupils, or " possess the practical knowledge which alone can teach him the real wants " of the Students.

" The Professor of Physiology should be required to confine himself to the " duties of his Chair and of his Museum, in order that he might keep pace " with the progress of his science."

Evidence, p. 100.

The departments of the other Professors in the Natural Sciences are sufficiently indicated by their titles, and call for no remark. Mr. Strickland proposes the creation of a separate Chair of Zoölogy. The necessity of this would be obviated if Dr. Acland's suggestion were adopted, and especially if the present Lee's Readership in Anatomy could be made available for University purposes.

Evidence, pp. 188, 189.

As to the apparatus and other matters necessary for the successful discharge of Professorial duties in these departments of Science, we refer to the Evidence of Mr. Maskelyne.

APPOINTMENT OF PROFESSORS.

One of the most important and at the same time of the most difficult problems in the revival of a sound Professorial system, is to find a guarantee for the appointment of fit men to fill the office.

The present modes of appointment are various. Professors are appointed—1. by the Crown; 2. by Convocation; 3. by limited bodies within the University; 4. by limited bodies external to the University.

1. PROFESSORS APPOINTED BY THE CROWN.

1. The Professors appointed by the Crown are:—the Regius Professors of Divinity, of Pastoral Theology, of Ecclesiastical History, of Hebrew, of Civil Law, of Medicine, and of Modern History, and the Readers in Geology and Mineralogy. This mode of appointment has, on the whole, been beneficial to the University. " The Prime Minister sustains," says Professor Vaughan, " a weight of public responsibility, such as must, in general, place " the temptation to do his duty above all others." Mr. Senior observes to the same effect: " The Executive is, perhaps, not a remarkably good distributor of " small patronage. But as important patronage, when exercised by so con- " spicuous a person as the Prime Minister, cannot now be given except on " public grounds, we are not likely to have any Administration strong enough " to make obviously bad appointments." A striking proof of this may be found in a comparison of the list of those who have occupied the Regius Professorship of Divinity, which, at Oxford, is in the gift of the Crown, with the names of the Margaret Professors of Divinity, who are appointed by the Graduates of Divinity. Whilst the former catalogue contains some of the most eminent men in English Theology, the latter comprises, Cheynell and Randolph perhaps excepted, not one whose works or whose names have outlived his own generation. It should be remembered, as an apology for the occasional appointment of inferior men by the Crown, that where none are eminent it is difficult to say who is fittest. But when many study a subject, and there is a demand for able Teachers, we may hope that this difficulty at least will disappear. Still it is not to be denied, that a recommendation to vest all appointments to Professorships in the Crown would be open to such objections as naturally arise from the chance that a Prime Minister may be indifferent to the interests of education, or unwilling to incur odium by an unpopular nomination, or may be swayed by political or ecclesiastical partisanship.

Evidence, p. 89.

Evidence, p. 18.

2. PROFESSORS ELECTED BY CONVOCATION.

Evidence of—
Prof. Browne, p. 6.
Prof. Walker, p. 22.
Mr. Jowett, p. 38.
Mr. Wilkinson, p. 81.
Mr. H. Cox, p. 93.
Mr. Temple, p. 129.
Mr. Congreve, p. 153.
Dr. Twiss, p. 156.
Dr. Macbride, p. 221.

2. The Election by Convocation is, by almost all who have spoken on the subject, condemned as the worst mode of appointment. The Professorships thus bestowed are those of Sanscrit, of Anglo-Saxon, of Poetry, of Common Law, of Ancient History, of Political Economy, of Chemistry, and two smaller Professorships of Medicine. We do not deny that persons of great eminence have sometimes been appointed. But election by a popular and irresponsible body is altogether improper in the case of offices like those of which we are treating, especially when the electing body is so large, so fluctuating, so liable to heterogeneous influences, local, personal, collegiate, political, and theological, as the Convocation of Oxford.

3. PROFESSORS APPOINTED BY UNIVERSITY DIGNITARIES.

3. Another mode of appointment is that by small bodies of individuals within the Universities.

The Margaret Professor is elected by the Graduates of Divinity. When the superior Degrees implied real knowledge, this mode of appointment was natural. Bachelors of Divinity were the proper hearers of the Professor; and in early times the hearers were in the habit of selecting their Teacher. At present, as we have seen, these Degrees are mere forms, and are for the most part taken by those only who are compelled to do so by their College Statutes. This body of Electors, therefore, is as little select as Convocation, though more limited in number,—with the additional disadvantage, that consisting wholly of Clergymen, it is still more liable to be swayed by professional or party feeling; and inasmuch as the Electors, for the most part, belong to two or three Colleges, the Election is, in fact, confined to those Colleges.

The Ireland Professor of Exegesis is elected by the Heads of Houses. As only one election has taken place (that of the present Provost of Oriel in 1847) to this Chair, and as this is the only nomination to a Professorship in the gift of the Heads of Houses collectively, it would be premature to offer an opinion on the advantages or disadvantages of such a mode of patronage.

The Professor of Natural Philosophy is elected by the Vice-Chancellor, the President of Magdalen, and the Warden of All Souls;—the Professor of Moral Philosophy by the Vice-Chancellor and Proctors, the Dean of Christchurch, and the Presidents of Magdalen and St. John's;—the Professor of Arabic by the Presidents of Magdalen and St. John's, and the Wardens of New College, All Souls, and Merton;—the Reader of Experimental Philosophy by the Vice-Chancellor;—the Professor of Music by the Proctors;—Lee's Reader in Anatomy (whose Lectures, though properly Collegiate, the University has recently recognised as Academical) by the Dean of Christchurch;—the Professor of Modern European Languages by the Curators of the Taylor Institution. All these modes of nomination (except the last named) are more or less objectionable, as being in the hands of persons whose offices give them no direct interest in the appointment of the fittest Candidate, and most of whom are exposed to the influence of College feeling, hitherto the bane of Oxford elections. Whatever objections have been raised against the appointment of Examiners by the Proctors, have still more weight against their appointment of Professors. As an instance of the abuse to which such elections are liable, it may be mentioned that the Chair of Moral Philosophy was virtually suppressed from 1673 to 1829, by the custom of giving it to the Senior Proctor, himself being one of the Electors.

4. PROFESSORS APPOINTED BY GREAT OFFICERS OF CHURCH AND STATE.

4. The fourth existing mode is that which vests the appointment of Professors in the hands of limited bodies of eminent persons, external to the University. Of this the only instances are the Savilian Professors, who are elected by certain great officers in Church and State, and the Professor of Botany, who is appointed by the College of Physicians. "The names of "Briggs, Wallis, Halley, Wren, Gregory, Keill, Bradley (says Mr. Temple), "show how carefully the selection has usually been made," and prove the success of Sir Henry Savile's experiment.

Evidence, p. 129.

REVIEW OF THESE DIFFERENT MODES OF APPOINTMENT.

These are the modes of appointment actually existing in the University. The first and last are, on the whole, strongly recommended in the Evidence, the second and third are strongly condemned. Yet to vest all the nominations in the Crown and in great officers of Church and State, would be unsuited to the character of the University; and it is undoubtedly desirable that some at least of the appointments should be in the hands of the University itself. Moreover, a variety of modes offers the guarantee of a mutual check, and opens avenues of advancement to some persons of merit, who might be overlooked, or be set aside for religious or political reasons. A similar opinion was expressed in strong terms in some of the Evidence submitted to Your Majesty's Commissioners of Inquiry into the Universities of Scotland. It is there stated, that the division of patronage at Edinburgh between the Crown and the Town Council incited both one and the other to select the fittest person; and that the appointments of the Town Council, being made on the advice of persons best qualified to judge, often proved better than those of the Crown itself.

Report on Univ. of Edinb., Evidence of Prof. Leslie, p. 153. Mr. Jeffrey, p. 389. Mr. Thompson, p. 410.

RECOMMENDATIONS WITH REGARD TO THE MODES OF APPOINTMENT.

We are, therefore, disposed to recommend a variety in the nominations to the Chairs at Oxford. The appointment to new Professorships should, we think, be vested in the Crown. But we would leave the present patronage in the hands in which it is now lodged, except in those cases where the mode of

TO BE LEFT AS THEY ARE, except—
ELECTION BY CONVOCATION BY THE HEADS OF HOUSES AND BY THE GRADUATES OF DIVINITY TO BE TRANSFERRED TO THE REMODELLED CONGREGATION.

appointment is manifestly open to grave objections. That such is the case with regard to the nominations by Convocation is universally acknowledged. With regard to these we have already expressed our opinion that they should be transferred to the House of Congregation, constituted as we have recommended. Such a body would really represent the University at large, in the best sense of the word; whilst by its more select character it would be free from the more serious evils which beset a popular academical assembly.

If, however, these evils, which no doubt must be found to some extent whenever Elections are entrusted to a large body of Electors, should be thought to impair the chance of fit appointments, it will be easy to provide a remedy by entrusting such duties to a Delegacy, permanent or fluctuating as might be thought desirable.

Compare Evidence of Sir C. Lyell, p. 123.

With regard to the appointments by small academical bodies, though the constitution of those bodies for such a purpose is, as we have seen, open to grave objections, yet most of the Professorships vested in their hands are not important enough to be worth a change. But where these Professorships are increased in value by grants from the University, the University ought to claim a voice in their appointment. The same may be said of the Lee's Reader in Anatomy.

The Margaret Professorship of Divinity, and the Ireland Professorship of Exegesis, being of greater importance than those to which we have just referred, seem to form exceptions to this general rule. The appointment to the former of these Chairs ought certainly to be removed from a body open to the strong objections which may be urged to that of the Graduates of Divinity, as at present constituted. The most obvious change would be that this Professorship should, like those of which the nomination is now vested in Convocation, be transferred to the remodelled Congregation. The same rule might be followed with regard to Dean Ireland's Professorship.

APPOINTMENT TO LECTURESHIPS.

With regard to the appointment of the Assistant-Professors or Lecturers, of whom we spoke above, we are of opinion that this should be vested not in the Professors themselves, but in the Boards with which they would be respectively connected. We propose that the Lecturers once appointed should themselves be Members of the Boards jointly with the Professors. This mode of appointment would be secure from undue influence on the part of the Professors, and would therefore promote a wholesome competition between the Lecturers and the superior Teachers. The Congregation should determine when new Lectureships of this kind were needed, and when they should be discontinued, so as to prevent the creation of these offices from personal or other unworthy motives.

The first appointments, however, to Lectureships, before such Boards were fully organised, would be with advantage vested in the Crown absolutely.

3. REMOVAL OF RESTRICTIONS ON PROFESSORSHIPS.

We next proceed to speak of restrictions on the office of Professors.

Nine Chairs appear to be entirely open, namely, those of Astronomy, Geometry, Natural Philosophy, Arabic, Ancient History, Music, Chemistry, Sanscrit, and that of the European Languages. But the holders of the two last-named Professorships must be matriculated Members of the University at the time of their admission. All the other Chairs in the University are subject to limitations, which in some cases, however, are slight, such as the necessity of having taken a Degree either in Arts or in the Faculty to which the Professorship relates. Some are loaded with restrictions of great minuteness. The most remarkable are those imposed by Dr. Rawlinson on the Chair which he founded for promoting the study of Anglo-Saxon. It is bestowed by Convocation; it becomes vacant every fifth year; it must never be given twice successively to the same College; and the fifth turn is reserved to the Founder's College, St. John's. It cannot be held by any married man; by any native of Scotland, Ireland, or any of the Plantations abroad, nor by any of their sons; nor by any member of the Royal or Antiquarian Societies.

Several of the Professorships, which are otherwise unrestricted, lose much of their usefulness by the precariousness or the shortness of their tenure. This remark does not apply practically to the Professor of Music, though he is to be elected annually; nor to the Margaret Professor of Divinity, though he is elected every two years; for in these cases re-election is not prohibited, and the offices are usually held for life. It may, however, be stated that some years

ago, when party feeling ran high in the University, there was an apprehension that the Margaret Professor would not be re-elected.

The Professor of Poetry is elected for five years, on the expiration of which time he may be, and has usually been, re-elected for a second term of five years, but never for more. The Professor of Political Economy is elected for five years, and is not re-eligible till after the expiration of two years. In this manner it has twice been held by the present Professor. The Professor of Moral Philosophy is to be elected for five years, but cannot be re-elected except for some grave and urgent cause. The merits of the present Professor have been regarded by the Electors as justifying his re-election.

These restrictions are exceedingly various. Some are hardly more than nominal; whilst others, such as those imposed on the Chairs of Moral Philosophy and Anglo-Saxon, combined as they are with a scanty endowment, seriously impede the usefulness of the Professorships.

It is evidently desirable that no qualification for the office of Public Teacher in the University should be recognised but that of character and fitness for his office.

The solemn injunctions of Sir Henry Savile show the spirit which ought to animate every Elector:—

"The Electors are either to proceed forthwith to the choice of a new "Professor (conformably to the conditions and qualifications above specified), "if a proper Professor can be immediately found, or rather (if they think "good) they may wait for a certain time, say six or eight months, until they "understand, from messengers sent by means and diligence of the Principal "Secretary, or otherwise, to foreign nations, whether in the Universities "beyond sea, or beyond their walls, any eminent mathematician can be allured "hitherward by our terms to undertake the Professorship, and the costs for "the above purpose are to be defrayed out of the proceeds accruing during "vacancies.

"But I would in all humility beseech the above most distinguished gentle-"men to elect, without any regard to retainership, and without any discrimi-"nation of Universities or Nations, those persons alone whom they deem best "qualified to meet the requisitions of the office."

Yet Sir Henry Savile himself imposed restrictions on the Chairs of Astronomy and Geometry, which have in some degree limited their usefulness. The prohibition against holding any Ecclesiastical or Academical emoluments, which seemed a natural mode of securing the undivided attention of the Professors, acts as a serious inconvenience by confining them to the resources of the endowment which are now inadequate to furnish a proper income. The spirit of the Savilian Statutes, in this matter, may easily be disregarded; for the Professor may devote his whole time to the duties of an unendowed curacy, though he may not hold a College Fellowship. This restriction, then, might well be annulled, even if the salary were increased. It is not long since one of these Professorships was resigned, because its emoluments were not sufficient to compensate the holder for the loss of his Fellowship. Other restrictions in these Statutes have, from the necessity of the case, been habitually disregarded.

What is true of Sir Henry Savile's Chairs is true of all those which are shackled in like manner. If the wishes of the Founders are to be fulfilled, the letter of their wills must be set aside.

Few Professorships are restricted absolutely to British subjects; though the condition imposed in most cases, that the holders must be Members of the University, commonly amounts to such a restriction. No doubt Englishmen and Members of the University must always have a great advantage when competing with Foreigners; and, inasmuch as congeniality between a Professor and his audience is a qualification of some importance, it would not be a matter of just complaint that some preference should be given to fellow-countrymen. Still Foreigners ought not to be excluded; and it would be in full conformity with some creditable precedents in the University if illustrious men were from time to time attracted from other countries. Not to go further back than the Reformation, we may instance the offer of the Regius Professorship of Divinity to Melancthon, and its acceptance by Peter Martyr, an Italian, in 1547; the election of Ludovicus Vives, a Spaniard, to the Chair of Greek at Corpus Christi College, in 1517; that of Albericus Gentilis, an Italian, to the Chair of Civil Law in 1587; that of Dillenius,

a German, in 1728, to the Chair of Botany,—in which, but for the opposition of Sir Hans Sloane, Linnæus would have been his coadjutor. The newly-created Chair of European Languages was offered to M. Guizot; and its duties have since been discharged by two accomplished Foreigners. In such cases, Subscription to the XXXIX Articles, which, as we before observed, is nowhere, except at the Universities, imposed on lay members of the Church of England, could not with propriety be required of Professors. It would appear from Sir Henry Savile's will, that, inasmuch as Foreigners, elected to his Professorships, are not required to be Masters of Arts, they are exempt from the necessity of Subscription. And, indeed, as is observed by Mr. Jowett, "there seems to be no reason to fear in scientific men any peculiar "hostility to our Ecclesiastical Institutions, while on the other hand, their "habit of mind renders them averse to such restrictions. . . . . It would be of "little use to multiply Professors of Physical Science, if such men as Liebig "and Faraday were liable to be excluded." The Statute which forbids all Professors to impugn the faith of the Church of England, directly or indirectly, in their Lectures, would be justly retained in regard to such Professors, as well as all others.

Evidence, p. 37.

On the whole, then, we must recommend that no Professors should be subject to regulations of any kind, except such as may be necessary to enforce the due discharge of their duties. All limitations as to birth, degree, or tenure of office should be repealed. If in any case this be found impracticable, new Professorships should be created by the side of those which are thus encumbered.

4. GUARANTEES FOR THE ACTIVITY OF THE PROFESSORIATE.

To provide for the regular and active discharge of Professorial duties, specific regulations may be necessary. But it must be remembered that though Statutes may compel a man to lecture, they cannot compel him to lecture well; and compulsory provisions commonly become a dead letter. The activity of the Professors will be best guaranteed by such securities and such stimulants to exertion as have been already mentioned, namely, modes of appointment as fit as can be devised, and acting as checks on each other;—a body of subordinate Lecturers, who would both incite their superiors to activity, and supply their place in case of neglect or superannuation;—the interest which eminent men would take in the subjects of their Lectures;—the power of increasing their salaries by fees;—a direct share in the Examinations of the University. The University or the Legislature might require strict residence during the academical year, a requirement to be relaxed only by a permission from the Chancellor, on the recommendation of the governing body of the University. Such residence could, of course, be enforced only on the supposition of the increase of the Professorial endowments; but it would, in that case, be highly beneficial, because it would secure to the University the presence of eminent men, and render it really a seat of learning. Where absence was really required for the sake of health, or (as might occur in the case of several of the Professorships) for the purposes of literary or scientific investigation in foreign countries, the necessary permission would readily be granted.

5. INCREASE OF THE INCOME OF PROFESSORS.

That the Professors should have Incomes sufficient to give them an independent and prominent position will be admitted by all.

At present, the Regius Professorships of Divinity, Ecclesiastical History, Pastoral Theology, and Hebrew, the Margaret Professorship of Divinity, and the Boden Professorship of Sanscrit, are adequately endowed, ranging as they do in value from near 850*l.* to 1,800*l.* a-year. The next in value are the Professorships of Civil Law, of Modern History, of Exegesis, of Logic, of Geometry, of Astronomy, of Chemistry, ranging from 200*l.* to 371*l.* The Chairs of Moral Philosophy, Experimental Philosophy, Chemistry, Mineralogy, Geology, and Ancient History, have been raised to 300*l.* a-year by the University since Your Majesty's Commission was issued. The Regius Professorship of Greek is worth 40*l.* a-year. The rest do not exceed 100*l.*

Evils resulting from the inadequacy of such endowments may be described in the words which Lord Bacon used two centuries ago:—"Here (says he) "it followeth well to speak of the defect which is in public Lectures; "namely, in the smallness and meanness of the salary or reward which in "most places is assigned to them, whether they be Lecturers in Arts or "of Professions. For it is necessary to the progression of sciences that "Readers be of the most able and efficient men, as those which are ordained

Advancement of Learning, Works, vol. ii. p. 94, ed. Montagu.

"for generating and transmitting sciences, and not for transitory use. This "cannot be, except their condition and endowment be such as may content "the ablest man to appropriate his whole labour and continue his whole "age in that function and attendance, and therefore must have a proportion "answerable to that mediocrity or competency of endowment, which may "be expected from a profession, or the practice of a profession. . . . . "Readers in Sciences are indeed the guardians of the stores and provisions of "Sciences, wherever men in active causes are furnished, and therefore right to "have equal entertainment with them; otherwise, if the fathers in sciences be "of the weakest sort, or be ill-maintained, *patrum invalidi referent jejunia nati.*"

This argument is thus applied to the state of things in our own times by Professor Vaughan:—"The splendid incomes which talent and energy "may look forward to in the learned professions, and particularly in the "Church, must always operate to draw away from the University many of "its ablest men. But this difficulty should not induce us to neglect means for "retaining and attracting great faculties to the Professorial Chairs. It cannot "be right or wise that County-Court Judges, Police Magistrates, Secretaries "to Railways and public Boards should receive for the employment of their "time 1,000*l.*, 1,200*l.*, 1,500*l.* per annum, while University Professors are "asked to perform duties requiring great knowledge and abilities of a less "common description without half the remuneration. I think that there "should be secured to a competent Professor such an income as will enable "him to marry in his office, and look forward to continuance in it as the work "of his life. The University, too, should be in a position to command the "services of the most distinguished men in the several sciences, and to hold "out to its members the University Professorships as rewards to a career of "industry. The Professorship should be a stimulus to the Master, as the "Fellowship is to the Undergraduate and Bachelor; and when once appointed, "the Professor should feel his position (generally speaking) to be his home "and his destiny, so that he may continue to concentrate his interests and "exertions upon the subject. The Tutorships in the University at present "confer an income, I conclude, of at least 500*l.* per annum on those who hold "them in connexion with Fellowships. If the Professorships do not range "considerably above this, the foundation of Professorships will, in effect, "simply add a certain number of University Tutors to the present staff of "College Tutors, and their effect on the University system will amount to "very little indeed." Evidence, p. 88.

What measures we shall recommend for attaining this important object will appear, and in what way the College Fellowships may be made available, in accordance with ancient precedent, for the endowment of those Chairs which need it, will best be seen when we arrive at that section of our Report which treats of the Colleges. The mode of endowing the Assistant Professorships or Lectureships we shall also consider in the same place. At present, it will be enough to state our opinion, that the fixed salary of the greater Professorships should, if possible, be not less than 800*l.* per annum, and ought, where possible, to be more. This salary might advantageously be increased by the permission to take fees; and this not only as a means of increasing the incomes, but also for the beneficial effects which would thus be produced not only on the Professor, but also on the Pupil. "After such payment (says Mr. Bartholomew Price), the Pupil considers the Lecture and the time as in a "measure his own; he has thus another motive to attendance and attention; "and though such an inducement may be slight, yet I consider of vast "importance whatever arouses his energies or excites his interest; and when-"ever such a payment were inconvenient to a Student, the Professor might "remit it." Evidence, p. 64.

FUTURE CHANGES IN THE PROFESSORIATE.

Changes might be necessary in order to meet an advance, or an altered distribution in the several departments of knowledge. It should, therefore, be competent for the University to effect such changes. The consent of the Crown would of course be necessary in the case of the Chairs in its patronage.

What we have said applies to the general condition of the Professorial body. A tabular statement in the Appendix will furnish a compendious view of its present state. A detailed account of each particular Professorship will, in most cases, be found in the Evidence furnished by the Professors themselves. Appendix F. pp. 58-60.

We have here noticed only what was necessary to make our recommendations and suggestions intelligible.

SCHOLARSHIPS AND PRIZES.

Before we dismiss this branch of our inquiry, we must notice two subjects which are intimately connected with it:—the Scholarships and Prizes given for the encouragement of particular branches of literature and science; and the Libraries and Museums.

SCHOLARSHIPS.

The Foundations of the University, which are of the nature of Scholarships, are all of recent origin. The only two of which the date is anterior to the present century are the Craven Scholarships, and the Vinerian Fellowships and Scholarships. For the sake of perspicuity, we will here consider them all in relation to the several Examination Schools with which their subjects connect them, without reference to the time of their institution.

THEOLOGICAL SCHOLARSHIPS.

I. For encouraging the study of Theology, or Hebrew, there are three sets of Scholarships, the Johnson, the Kennicott, the Pusey and Ellerton.

(1.) The late Dr. John Johnson, sometime Fellow of Magdalen College, bequeathed, by his will, to the University of Oxford, the sum of 1,200*l.*, to found two Scholarships, the one for proficiency in Theology, and the other for proficiency in Mathematics. No person is allowed to be a Candidate for them till he has passed his Examination for the Degree of B.A., nor after five complete years from his Matriculation. Each Scholarship is to be held for two years. Its emoluments are to be laid out in books, of the value of 20*l.*, to be chosen by the Trustees and Examiners, in standard theological and classical works.

The Examiners are to be three Masters of Arts or Bachelors of Civil Law, or Graduates of the higher Faculties, and to be named by Martin Routh, President of Magdalen, during his life; after his death by the President of Magdalen, the Dean of Christchurch, Warden of New College, Provost of Queen's, and President of Trinity, or any three or more of these; the President of Magdalen to have the casting vote. The first election took place in 1835.

This Foundation, though so recent, is burdened with many inconvenient restrictions.

The regulation for the appointment of Examiners is objectionable. It is unlikely that the same Examiners should always be found thoroughly competent to examine in Theology and Mathematics. It is desirable therefore that separate Examiners should be appointed for each Scholarship, and that the Examiners for the Theological Scholarship should be Professors of the Theological Faculty, or persons appointed by them.

The Scholarships are confined to those who have not exceeded five years from their Matriculation; and as they become vacant only once in every two years, one-half of the Members of the University are excluded from becoming Candidates for them.

It is a singular provision that the Prizes in both these Scholarships should consist of standard Classical and Theological works. It would be more natural that, in the case of each Scholarship, the 20*l.* should be devoted wholly, or in part, to the purchase of expensive works in each department, which a Student may not be able to obtain without such assistance.

(2.) The two Kennicott Scholarships, and the three Pusey and Ellerton Scholarships are intended to promote the study of the Old Testament in the original language. The former were founded in 1831, from a bequest of Mrs. Kennicott; the latter in 1832, from a donation made by Philip Pusey, Esq., M.P., his brother, Dr. Pusey, Regius Professor of Hebrew, and the late Dr. Ellerton, Fellow of Magdalen College.

The Kennicott Hebrew Scholarships, tenable for four years, are open to Bachelors of Arts, who, at the time of the vacancy have not passed more than one year from the time of taking their Degree. Only one Scholar can be elected in each year. The Examiners are the Regius Professor of Hebrew and two others, who must be at least Masters of Arts, nominated by the Vice-Chancellor. The Scholar must reside twelve weeks during the first year. Each subsequent year he must produce a translation of some portion of the Old Testament, with notes, or a dissertation on some subject of Hebrew Literature. The value (between 1844 and 1848) was about 70*l.* a-year.

The Pusey and Ellerton Hebrew Scholarships are tenable for three years;

open to all Members of the University under the Degrees of M.A. or B.C.L., or to those who having taken these Degrees are not yet 25 years of age. Only one Scholar can be elected in each year. The Examiners are the Regius Professor of Hebrew, the Regius Professor of Divinity, and the Lord Almoner's Reader in Arabic. Every Scholar must reside twenty-one weeks in each of the first two years, and during this residence must attend the Lectures of the Hebrew Professor. The value is 30*l.* a-year. The Examiners for the Kennicott and the Pusey Scholarships, when they become vacant together, are usually the same, for the same papers are set for both.

II. The Study of Philology is encouraged by the Craven, the Ireland, the Hertford, and the Boden Scholarships. PHILOLOGICAL SCHOLARSHIPS.

(1.) The Craven Scholarships, founded by Lord Craven, were originally two in number.

He gave, by will, in 1647, a part of his property to endow Scholarships at the two Universities, and the residue to redeem British captives. The Barbary States having ceased to carry on their depredations, a scheme was sanctioned by the Court of Chancery for applying this fund to increase the number and the income of the Scholars, except a moderate portion which was set apart for ransoming captives, in case it should be required. Accordingly, three new Scholarships were created by a decree of that Court in 1819, and were first filled up in 1822. The stipend of each is now fixed at 75*l.*; and their tenure terminates at the expiration of seven years.

These Scholarships are remarkable as being the only case in which a University endowment is burthened with those eleëmosynary and family restrictions, which are imposed on so many of the College endowments. The Craven Scholars are to be "poor scholars;" and Lord Craven's "next kindred," if poor, are to be preferred to all others. The preference given to poverty has been interpreted (according to a later regulation accepted from the Founder's brother in 1649), as excluding all Fellows and Scholars of Colleges. The restriction to Founder's kin frequently prevents the Scholarship from being bestowed for merit. In this, as in many other cases of a like kind, the practice of the University of Oxford offers a remarkable contrast with that of the University of Cambridge. We insert a communication from the Registrary of that University, from which will be seen how differently the sister University deals with the Craven Scholarships.

"The regulations of Lord Craven (brother of the Founder of the Craven "Scholarships) in 1649, seem never to have been offered to the University of "Cambridge. There is no mention made of them in any of the documents in "my custody as Registrary. I have also searched carefully, but in vain, "among the papers and instruments kept by the Vice-Chancellor. There was "a Syndicate appointed in 1701, to draw up regulations concerning the "Craven Scholarships. These regulations were adopted by the Senate, and "have been in force ever since, some slight modification having been made in "1817 with regard to the academic standing of the Candidates. Neither in "the regulations of 1701, nor in the Foundation of 1647, is there any clause "against a *Scholar* or *Exhibitioner* holding the Craven Scholarship with his "other Scholarship or Exhibition. There is, indeed, a clause that the Craven "Scholarship shall cease whenever the Scholar attain to any *preferment of* "*double value*; but practically no College Scholarship, or Sizarship, or Exhi-"bition from a School has ever interfered with the tenure of a Craven "Scholarship at Cambridge.

"The vacancies have almost always been from the time of tenure being "over, or from non-residence: on one occasion it is stated that the late Scholar "had *married and settled in life.* There are, of course, many instances of "voluntary resignation, and possibly several of them were from conscientious "feelings of succeeding to or acquiring property, which no longer entitled the "holder of the Scholarship to be called *poor.*

"The nominations of Founder's kin appear with us to have been exceedingly "rare indeed. The acquisition of a Craven Scholarship has always been con-"sidered a very proud distinction at Cambridge, as there is very great com-"petition for it (80 or more Candidates), and among the persons elected are "some of the best Scholars the University ever had to boast of."

We say no more on this subject here, except that these restrictions ought to be dealt with in the same way as the family limitations in the Colleges, of which we shall have to speak at length hereafter.

The Examiners appointed in Lord Craven's will are the Vice-Chancellor, all the Regius Professors, and the Public Orator. It is obvious that a body of this kind cannot be regarded as a fit Board of Classical Examiners.

The other Classical Scholarships are:—

(2.) Four of 31*l.* a-year, to be held for four years, founded by Dean Ireland in 1825, for the promotion of classical learning and taste.

(3.) The University or Hertford Scholarship, founded at the command of King George IV., in 1818, out of the endowments of Hertford College, for the encouragement of the study of Latin literature. It is regulated by a scheme drawn up by the University. The first election took place in 1834.

These two Foundations at present invite numerous competitors, amounting not unusually to thirty in each year, and the distinction conferred by success is highly prized. The Ireland Scholarship is regarded as the highest honour which the University has to bestow for Classical Scholarship and Composition.

The Examiners for Dean Ireland's Scholarship are appointed by the Vice-Chancellor, the Dean of Christchurch, and the Provost of Oriel; those for the Hertford Scholarship by the Vice-Chancellor and Proctors. We have already stated objections to the appointment by the Proctors.

(4). The two Boden Scholarships, of the value of 50*l.* each, were intended to encourage proficiency in the Sanscrit Language. The Examiners are the Regius Professors of Divinity and Hebrew, the Laudian Professor of Arabic, the Lord Almoner's Reader in Arabic, and the Boden Professor of Sanscrit. A certain amount of residence is required, and the age of the Scholars is limited to twenty-four. The first election took place in 1833. Professor H. H. Wilson, in his Evidence, offers the following suggestions respecting these Scholarships:—

Evidence, p. 11.

"Two more Scholarships will, in the course of time, be at the disposal of the "University, and they will bring some additions to our strength; but, in general, "I do not think the study owes its best advancement, or most beneficial appli- "cation, to Pupils of the description to which the limit of age, twenty-four years, "usually confines the Scholarships. It might, perhaps, be advisable to affix no "limit of age, but to leave the Scholarships open to members of the University, "whatever their age or standing. The salary might sometimes be such an "assistance to the means of Bachelors or Masters, as to enable them to protract "their residence in the University for the purpose of pursuing extra-collegiate "studies. It would also, no doubt, afford some encouragement to the study if "it were made a subject of public examination under the system now adopted, "and if meritorious proficiency entitled the Student to certified distinction. "Whatever is taught publicly in the University should, I think, be publicly "tested."

These Scholarships, like the Professorship with which they are connected, would be rendered more generally useful, and would still continue to promote the objects of the Founder, if their purpose could be extended so far as to encourage the study of Comparative Philology, based upon a knowledge of Sanscrit. The smallness of the number of competitors who have appeared hitherto, or are likely to appear hereafter, is a sufficient reason to justify such an alteration.

LAW SCHOLARSHIPS.

III. For promoting the study of Law, there are:—

(1). The Vinerian Law Scholarships and Fellowships, founded in 1755. They were originally intended to supply a regular succession of Students of Common Law, Civil Law alone having till that period been recognized either in the Statutes of the University or those of the Colleges. The Scholars are accordingly required to attend the Lectures of the Vinerian Professor. The Lectures being now rarely given, all that is required from the Scholars is residence in the University.

The objects of the Foundation are still further frustrated by the manner in which the Scholarships are bestowed by Convocation. We have already spoken of the mode in which that body exercises its rights of patronage; and of this the election of Vinerian Scholars is, perhaps, the most flagrant instance. It is usually carried by active personal canvassing and by combinations between Colleges; and on more than one occasion distinguished persons have been rejected in favour of Candidates of little merit.

The purposes of the institution would be better secured if the whole endowment were converted into Scholarships, to be given to the Candidate who should most distinguish himself in History and Jurisprudence. The Scholarships should be held for a term of years only. Residence, after the Degree, need no

longer be required. The Scholarships being terminable, the obligation to celibacy would become unnecessary.

Here also we may mention the Eldon Law Scholarship, of 200*l.*, tenable for three years. This Scholarship, however, does not, properly speaking, belong to the University. It is intended not for Academical Students, but for Law Students in London. The fund was raised by subscription, and the appointment is vested in a body of noblemen and gentlemen unconnected with the University, who act as Trustees of the Eldon Fund. The Scholars have always been distinguished men, and the Scholarship is very serviceable to such persons while struggling with the difficulties which beset the early career of a lawyer. It may, however, be remarked, that in several instances the holders have not followed up the legal profession, and that, in consequence, the Scholarship has more than once been resigned before the time at which its tenure would naturally have ceased.

Similar observations apply to the Stowell Fellowship, founded in University College, by Lady Sidmouth, in honour of her distinguished father.

It is probable that, if the School of History and Jurisprudence should attain a healthy and vigorous growth, these endowments would be used by the Electors to reward those who had most distinguished themselves in those studies.

MATHEMATICAL SCHOLARSHIPS.

IV. Mathematical Science is promoted by several Scholarships.

(1.) The Johnson Mathematical Scholarships already mentioned.

(2.) The University Mathematical Scholarships. These were originally three, founded by means of a fund raised by subscription, and amounting to about 4,120*l.* The Foundation was accepted and regulated by Convocation in 1831.

According to the original regulations, the Candidates were to have passed the Examination for the B.A. Degree, and to be under the standing requisite for the M.A. Degree: the Scholarship was to be held for three years from the day of election, provided the Scholar should reside fifteen weeks in each of the two academical years next following his election. The Trustees of the Scholarship are, the Vice-Chancellor, the two Proctors, the Savilian Professors, the Sedleian Reader, and the Reader in Experimental Philosophy. The Trustees were left at liberty, with the concurrence of Convocation, to make such alterations as circumstances should require.

Accordingly, in 1844, owing to a recommendation of the Trustees, and a strong opinion expressed by various persons interested in Mathematical Science, a change was made in the regulations. Instead of three Scholarships, tenable for three years, open to Bachelors of Arts, and of the value of 50*l.* a-year each, four Scholarships were now founded, two Senior of 40*l.* a-year for Bachelors of Arts, and two Junior of 30*l.* a-year for Undergraduates of not more than two years' standing, each of these Scholarships to be tenable for two years.

The reason for the change above specified was that few Candidates presented themselves for the Scholarship as originally instituted. For the Junior Scholarship, as now established, there are commonly about twenty Candidates, and this Scholarship appears to have been very useful in encouraging the study of Pure Mathematics. There are seldom more than two or three Candidates for the Senior Scholarship, and in 1843 there was only one. The number of those who study Mathematics after their degree is small; and, as many of these read with the same Private Tutor, their comparative merits are known beforehand, and only those who think the prize within their reach become competitors. Still this Scholarship has been eminently useful in encouraging the study of the higher Mathematics.

It would be desirable, if possible, that the Johnson Mathematical Scholarship, which, as above stated, is now inconveniently combined with a Theological Scholarship, should be awarded at the same time and by the same Examiners as the University Mathematical Scholarships, so as to save a needless frequency of Examinations.

RADCLIFFE FELLOWSHIPS.

V. For proficiency in Physical Science there are at present no Scholarships. It may be remarked, however, that the two Radcliffe Travelling Fellowships stand much in the same relation to the Medical, as the Eldon Law Scholarship to the Legal profession; with this difference, however, that the peculiar restrictions as to academical standing, which were imposed for reasons now obsolete, exclude from competition for the Radcliffe Fellowships many who would be

otherwise well qualified. The election is in the hands of the Trustees of Dr. Radcliffe's estate. If the restrictions alluded to as obsolete, and the obligation to travel, which is now prejudicial to the professional success of a Physician, should be removed, these Fellowships might be given with great advantage to the most promising pupils of Physical Science, and might be made of signal use in encouraging the growth of the School intended to prepare young men for the Medical profession.

PRIZES.

There are, besides these Foundations, various Prizes for Compositions on special subjects.

THEOLOGICAL PRIZES.

In Theology there are two such prizes.

The Ellerton Prize of 20*l.* for the best English Essay on any theological subject, confined to Bachelors of Arts.

The two Denyer Prizes of 30*l.* each for the best English Essay on specified Theological subjects, confined to Masters of Arts of a certain standing, and to persons in Holy Orders.

The first of these is highly esteemed, and has numbered amongst the successful Candidates persons of considerable previous or subsequent distinction.

The second, probably from the restrictions of academical standing, and of the subjects proposed, is regarded as an inferior honour, and has often not been awarded at all, no essay of sufficient merit having been sent in.

The Judges are the Theological Professors, and the President of Magdalen, in the former case; the Theological Professors, the Vice-Chancellor, and the Proctors, in the latter case. The exception often taken to the judgment of the Proctors in reference to the Classical Prizes, of which we shall speak presently, is applicable to this case also.

PRIZES FOR COMPOSITION IN LATIN AND ENGLISH.

For composition in Latin and English there are four prizes:—

One of 20*l.* for the best composition in English verse, founded by Sir Roger Newdegate in 1806. Three of 20*l.* for the best composition in Latin Verse, English Prose, and Latin Prose; of which the two first were given by the Chancellor of the University, in 1768, the third, in 1810.

The two first are confined to Undergraduates, the two others to Bachelors of Arts.

The Judges are the Vice-Chancellor, the Proctors, the Public Orator, and the Professor of Poetry. Of late years it has been customary for the Vice-Chancellor to appoint a deputy, each Head of a House recommending one in succession. Some such alteration would be highly desirable with regard to the Proctors. It is impossible to expect that these officers should be necessarily qualified to pronounce a good judgment on literary compositions.

It would give greater confidence to Candidates if the proposed Professor of Latin were to assist the Public Orator and Professor of Poetry in according the Latin Prizes, and if the Professors of History and of Mental Philosophy were to take a similar part in according the English. It must be said, however, especially as regards the Prose compositions, that the value of these distinctions, and the fairness of the award, as tested by the subsequent eminence of the successful Candidates, have been generally recognised.

HISTORICAL PRIZE.

The Arnold Prize of 40*l.* was founded so lately as 1850, in commemoration of Dr. Arnold, for the best English Essay on some historical subject, Ancient and Modern alternately. The Judges are the three Professors of Ancient, Modern, and Ecclesiastical History. Professor Vaughan suggests that the standing of competitors should be extended to twelve years from Matriculation (instead of being limited to eight); that the Prize should be awarded only once in two years (instead of every year); and that the successful Essays should be published at the expense of the Candidate. "In this way (he says) "the distinction would be increased, and Essays might be more reasonably "expected on particular subjects, such as would really enrich our know-"ledge."

Evidence, p. 277.

With regard to these Scholarships and Prizes it may be observed that, with the exception of the Craven Scholarships, they are not limited by restrictions of birth, family, or school. The only changes needed are those which we have suggested relating to the inconvenient limitations of academical standing, and in some instances those relating to the appointment of Examiners. There are no such encouragements for the studies of Mental or Natural Philosophy, nor (with the exception of the Arnold Prize) of History. This deficiency will

be of less consequence if Fellowships should be appropriated to the different branches of Study which enter into the course adopted by the University. But even then, it would be desirable that University Rewards should be bestowed on the ablest Students in each department.

THE LIBRARIES.

Amongst the incentives and means of Study at Oxford must be mentioned the Libraries and Museums connected with the University. We will first consider the LIBRARIES.

1. The most important Library in Oxford is that founded by Sir Thomas Bodley in 1600. The Statutes which regulate this great institution are printed at length in the Appendix to the Statutes of the University: their substance is given in the Oxford Calendar. It is therefore sufficient here to observe, that the Library is entirely under the control of the University, which can, by an express provision of the Statutes, alter the original regulations to any extent.

2. The Radcliffe Library was founded by Dr. Radcliffe in 1718, and opened publicly in 1749. It does not, strictly speaking, belong to the University, as it is under the control of the Trustees of Dr. Radcliffe's estate. But if we are to judge from his other acts of munificence to the University, and from the site which Dr. Radcliffe selected in the midst of University buildings, there can be little doubt that he contemplated his Library as a bequest to the University of Oxford. This was the view taken by his Trustees on the completion of the Library, on which occasion "the Duke of Beaufort, on behalf of himself "and the other Trustees, formally delivered the key to the Vice-Chancellor for "the use of the University;" and in this light it has virtually been considered ever since. It has been appropriated to the reception of books on Medicine and Natural History.

Ingram's Memorials of Oxford, vol. iii. p. 12.

The remaining public Libraries in Oxford are of less importance, and of some even the existence is not generally known. They are:—

1. The Ashmolean Library, including the collections of Ashmole, Wood, and Lister. Of this collection an excellent catalogue, prepared by Mr. Kirtland, has lain in manuscript for some years.

Evidence of Mr. Strickland, p. 101.

2. A small collection of books on Natural History, presented by Mr. P. B. Duncan and others to the Ashmolean Museum.

3. The Library of the Taylor Institution, for Foreign Literature.

4. The Library of Natural History, recently presented by the Rev. F. W. Hope.

5. A small collection of books, chiefly presented by the Rev. J. J. Conybeare, attached to the Geological Museum.

6. The Sibthorpian Library, attached to the Botanic Garden.

7. The Savilian Library, which chiefly consists of books left by Sir Henry Savile, Dr. Wallis, and Sir Christopher Wren.

Evidence of Prof. Donkin, p. 109.

To these may be added (though properly speaking they are Private Libraries):—

8. The Library attached to the Anatomy School at Christchurch.

9. The Library of the Radcliffe Observatory.

Mention must also be made of the Libraries attached to each College. These Libraries vary exceedingly in value. Some are of great extent. Amongst the most important may be named those of Christchurch, Queen's, All Souls, and Exeter. They are usually confined to Members of the College to which they belong. But, in some instances, the Fellows of the College, with great liberality, allow the Members of other Colleges not only to have access to the Libraries, but to take the books out. Such is the case, especially with Exeter College. There are also two Libraries which, though not strictly belonging to the University, belong to Societies connected with it. These are the Library of the Union Debating Society, which is in extensive use amongst the senior as well as the junior members of the University, and a small scientific Library of reference attached to the Ashmolean Society.

THE BODLEIAN LIBRARY.

We have already stated that of all these Libraries the Bodleian is by far the most considerable, and to this most of the Evidence on the subject relates.

ITS ADVANTAGES.

We will first state its advantages, in the words of Dr. Greenhill, who tells us that "for more than eleven years he made use of the Bodleian Library almost "every day, and thus had an opportunity not only of observing its management "and condition himself, but also of hearing the opinions expressed on the "subject by the numerous foreign Students with whom he there became

Evidence, p. 228.

" acquainted," and whose accounts of the regulations of different continental Libraries, he was thus enabled to compare with those of the Bodleian. " The " opinion," he proceeds, " expressed by these foreigners was (I think I may say) " in every instance most favourable; and I am inclined to believe that of all the " great libraries of Europe, the Bodleian is the most convenient and the most " generally useful."

This opinion he justifies by an enumeration of its advantages,—such as its size; its rich collection of manuscripts; the facility of obtaining an introduction to it; the extreme courtesy and kindness of the officers, a point almost invariably mentioned by foreigners in the highest terms; the privacy afforded by the little studies to those who make constant use of the Library; the printed Catalogues of almost all the books, and of a considerable portion of the manuscripts; the facilities for obtaining the books or manuscripts; the certainty of finding in the Library every book and manuscript that it possesses; and the small number of days in the whole year on which the Library is closed, the total number (besides Sundays, Good Friday, and Christmas-day) being about thirty-two. He adds, that several of the points he has enumerated " will appear perhaps hardly intelligible to those who are unacquainted with " the regulations of large public libraries both in this country and on the " continent; but they certainly add in no small degree to the comfort of the " Student. Some of the great European libraries enjoy some of these advan- " tages, and some enjoy others; but the whole of them (as far as I am at present " aware,) are to be met with only in the Bodleian."

SUGGESTIONS FOR IMPROVEMENT.

There is a general concurrence in the high praise bestowed by Dr. Greenhill on this great Library. But several complaints or suggestions have been offered respecting it, which we will now proceed to consider:—

I. MANAGEMENT BY PROFESSORS.

I. We have in a former section of our Report recommended that the Professorial Delegacy should be charged with the duty of superintending the Libraries of Oxford. This would not be an innovation, so far as regards the Bodleian Library. It would merely imply an enlargement of the present Board of Government on the same principle as that on which that Board was originally established. We are spared the necessity of discussing this subject ourselves by the evidence of

Evidence, p. 268.

Professor Vaughan:—" It seems (he says) to have been the original plan of that " great Institution, that it should be superintended by the chief Professors of the " University. The Regius Professors of Divinity, Civil Law, Medicine, Hebrew, " and Greek, are Curators; probably because at the time of its foundation these " were the only endowed Professorships of the University. But in truth the " only method by which the purchase of books on so vast a scale, in a Library " which should embrace so many branches of literature and science, can be " satisfactorily effected, is through superintendence of men respectively well " acquainted with the literature of each great subject. No man can judge the " real value as distinct from the market value of a work, but one thoroughly " conversant with the subject of which it treats; and it is the real value rather " than the market value of a book which entitles it to a place in a great Public " Library. The librarian or the book merchant may know the one; the stu- " dent and man of science only can appreciate the other. Catalogues and even " Reviews cannot furnish information to be relied upon. In this way, then, only " can the value of works be truly estimated, and the several kinds of books be " obtained without undue favour or disfavour to any line of reading. The " appointment of the five original Regius Professors indicates this to have been " the true spirit of the Institution. Since the foundation, large sums have been " bequeathed to the Library for its maintenance and extension, and it has " outgrown the care of so small a Committee, representing so limited a number " of sciences. It would be well that many more Professors should be admitted " to the superintendence, and that the Professor of History should be amongst " these. Indeed it seems most probable that the Regius Professor of Modern " History is omitted, simply because that functionary did not exist when the " Foundation and its Rulers were established, and when the existing Regius " Professors were appointed its Curators. This arrangement I think indis- " pensable to the full and symmetrical growth of that noble Institution."

II. INCREASED FACILITIES FOR READING.

II. It has been alleged by some of those who have furnished us with Evidence, that the utility of the Library, however great, is not proportionate to the extent and value of the books which it contains. The most important alteration suggested in this respect is a relaxation of the stringent rule which forbids

any books or manuscripts to be taken out of the Library. The examples of the Library of Göttingen, and of many others on the Continent, of the University Library at Cambridge, and of the Advocate's Library at Edinburgh, are quoted as a proof of the advantage and practicability of such a course. Sir Edmund Head, in a pamphlet which he wrote on the subject when Tutor of Merton, and Professor Wall, speak strongly of the inconvenience of this regulation in Oxford itself, where the engagements of most College Tutors preclude them from using the Bodleian during the larger part of the academic year, because it is closed at three in the afternoon. On the other hand it is urged with great force that the value of a Library of reference is immensely enhanced "by the "certainty that every book in the Catalogue is at all times to be found in the "Library." "Literary men (says Mr. Strickland) would pay many a fruit-"less visit, if they were to be told that the book which they were in quest of "was just then at a remote country parsonage, but would be returned as soon as "its borrower had done with it." "Such a promiscuous and extensive liberty (says Professor Vaughan) would upon the whole, I think, tend to defeat the "great objects of such an institution. It is not an uncommon habit of general "readers who take books out of lending libraries, to defer or interrupt the "perusal of them, and to retain them sometimes after they have abandoned "serious intention of studying their contents. But under any circumstances the "permission to all Masters of Arts to make use of the Library in this way "might so materially diminish the number of books on the shelves, that constant "disappointment would be felt by those resorting to that Library in order to "read and consult, and even those who desired to exercise their privilege of "taking the books away would very often find their claim anticipated and "nullified by others. However desirable, therefore, it may be in some points "of view to give to all a privilege of this description, yet with so many claimants "for the exercise of it, each might, I think, be found to lose as much as he "would gain. I speak after some experience of lending libraries." To this we may add the weighty testimony of Niebuhr, who, when resident in the University of Bonn, complains:—"It is lamentable that I am here much worse "off for books than I was at Rome, where I was sure to find whatever was in "the Library, because no books were ever lent out; here I find that just the "book which I most want is always lent out."

Evidence of—
Sir E. Head, p. 161.
Prof. Wall, p. 154.

Evidence of Mr. Strickland, p. 101.

Evidence of Prof. Vaughan, p. 269.

Niebuhr's Life and Letters, vol. iii., p. 57. Letter dated from Bonn, Oct. 4, 1823.

We admit the cogency of these objections to an indiscriminate permission to take out books. Still we cannot but think that the inconveniences of the present rules might be mitigated, partly by relaxation of these rules, partly by some alteration in the existing arrangements.

1. PERMISSION TO TAKE BOOKS OUT UNDER CERTAIN RESTRICTIONS.

1. Books, and even Manuscripts, should be allowed, under certain restrictions and in peculiar cases, to be taken out of the Library altogether. Dr. Greenhill, who, though disapproving of a general relaxation, advocates this partial permission, suggests that, "in order to prevent the abuse or too frequent use of this "privilege, the special permission of the Curators might be required, together "with a deposit to ensure the safe and punctual return of the volume bor-"rowed." He adds, "As an illustration at once of the exceptional cases which "I have in mind, and also of the greater liberality in this respect of some foreign "Libraries, I may mention that I once had in my house for several weeks three "of the Arabic Manuscripts belonging to the public Library at Leyden, which "were of very great use to me in a work I was then engaged upon, and which, "as I could hardly have gone to Leyden myself, I should not otherwise have "had an opportunity of consulting."

Evidence, p. 228.

"I . . . suggest (says Professor Vaughan) that provision might be made "for aiding those Professors in their studies who must depend entirely upon "books for the investigation of their subjects. Either some reading-room should "be provided for them in connexion with the Bodleian Library, or they "should be permitted, under proper restrictions, to take books home to their "houses and lodgings. For this last method a precedent has been established "in the case of the Anglo-Saxon Professor. A considerable donation of "Anglo-Saxon works was made to the Bodleian Library by a benefactor of that "Institution, on the express condition that the Professor of Anglo-Saxon "should be at liberty to take them out as often as he might require to do so."

Evidence, p. 269.

"It might (he adds) be practicable to lend on such conditions as would "secure the appearance of any volume which the necessities of others might

" call for. We have now within the University a class of men from whom " knowledge at first hand is required, who have special branches of learning " devolved upon them, the cultivation of which in some instances can be carried " on by means of books only, and for whom the University has provided no " means of supplying themselves with the raw material of their work. Straw " should be furnished as well as clay for such labourers in the great work of " academical edification. Each Professor then, I think, might be empowered " to take out works in the prosecution of his studies, from the Bodleian. It " might be attached as a condition, first, that no book should ever be taken out " of Oxford during the Term; and secondly, that each book so taken out should, " on due notice from any Member of the University requiring the use of it, be " returned to the Bodleian for the purpose of reference and consultation for a " certain time. This last arrangement could easily be carried into effect,— " inasmuch as from the department of each Professor being well known, and " from his residence also being generally known, it would be very easy, with " the aid of an entry-book, to ascertain with which Professor the book might " be, and where he was to be found. The general position and duties of the " Professor surely would go far to rescue this privilege from any invidious " appearance; and it would be further justified by the relation of the Professors " to the Library itself, of which they would be unpaid Curators. But whether " this scheme be approved or not, I would still suggest that the Bodleian " Library should be more completely furnished with means for entertaining " readers than its present arrangements secure or permit."

2. DUPLICATES.

Evidence, p. 221.

2. It is suggested by Dr. Macbride that duplicates should be allowed to circulate freely. In this suggestion we concur.

3. ANNEXATION OF A READING ROOM.

Evidence of—
Prof. Donkin, p. 108.
Mr. Jowett, p. 39.
Mr. Strickland, p. 101.
Dr. Greenhill, p. 228.

3. Professor Donkin and others propose that the hours allowed for reading should be extended, and, as an almost necessary consequence, that a reading-room should be annexed to the Library, in which books might be read after the Library itself was closed. This would to a certain extent meet the case of the College Tutors; and also, as Dr. Greenhill justly observes, of foreigners or other strangers who often come " to reside for a time at Oxford, at a heavy expense, " for the sake of consulting the volumes in the Bodleian, and who naturally " wish to finish their work as soon as possible. In these cases (especially if they " come in the winter months) it is a very great hardship that they are not able " to use the Library for a greater number of hours than at present."

4. INCREASED ACCOMMODATION IN THE LIBRARY.

Evidence, p. 150.

Evidence, pp. 39, 108.

4. Increased accommodation might, it is argued, be given in the existing Library. Some of the discomforts of which Professor Wall complains appear to have been removed; but it would seem from Professor Vaughan's account that the reading-rooms and their apparatus might still be rendered more commodious. Mr. Jowett and Professor Donkin strongly urge that books of reference should be made more accessible to all readers, whether by some alteration of the present arrangements, or by being placed in a new reading-room, as above suggested. " To those," says Professor Donkin, " who are engaged in a search for in- " formation on any particular subject, it is a great hinderance to be required " to specify the particular volume they want out of a series of thirty or forty."

5. VISITATION.

5. The period selected for the Visitation of the Library, namely, eight days in the early part of November, is extremely inconvenient; as the Library remains closed during this large portion of the full Term, when all Academics are in residence. We are of opinion that the Visitation should take place, if not in Vacation, at least at the very commencement of Term, before the time of general residence commenced.

6. INCREASE OF THE STAFF OF SUB-LIBRARIANS.

6. To carry some of these recommendations into effect, an increase in the number of sub-librarians will be required. The time and courtesy of the present staff is taxed to the utmost. But with the resources which the Bodleian has at its disposal, expenditure on this and similar purposes need not be grudged. " Its funds," as Professor Vaughan remarks, " are very large, and it is as much " a direct object of the Library that good books should be read as that they " should be purchased. Indeed, I hope that it is not too theoretical to say, that " they are purchased in order that they may be read."

7. A MORE GENERAL USE OF OTHER LIBRARIES IN OXFORD.

Evidence, p. 105.

7. We would also suggest the propriety of permitting a more liberal use of the other Libraries in Oxford. Even those who most strongly advocate the retention of books within the walls of the Bodleian, urge that it should be made easy to procure them from the Radcliffe Library. "The class of readers there," says Mr.

Strickland, "can never be extensive, and will be chiefly confined to men actually "engaged in scientific researches, or to members of the medical profession, "who rarely have any time for study till the evening. . . . Having myself "resided in Oxford for four years, almost wholly for the sake of having access "to the Radcliffe Library, I have no hesitation in saying that I could have done "the same amount of work in three years instead of four, if I could have taken "the books out of the building to my own residence." Mr. Jowett also suggests that College Libraries should be made more generally useful, by allowing to Masters of Arts access to other College Libraries as well as to their own. We have already mentioned the praiseworthy liberality of Exeter College in this respect. Evidence, p. 39.

8. ADMISSION OF UNDERGRADUATES.

8. Lastly, whether as regards the University or the College Libraries, we fully concur in the opinion expressed by several persons that Undergraduates should have every facility, we may add every encouragement, given to make use of these institutions. There is little difficulty at present in the admission of Undergraduates to the Bodleian. Many Colleges also permit them to have free access to their Libraries. In some Colleges, however, they are still excluded.

INTERNAL ARRANGEMENTS OF THE LIBRARIES.

III. From the facilities to study afforded by the Libraries, we proceed to their internal arrangements.

1. PROPOSED INCREASE IN DIVISION OF RESOURCES.

1. When it is remembered that, according to the enumeration above given, there are in Oxford more than thirty Libraries, a question naturally arises whether, by greater coöperation, the resources of each might not be expended in a manner more conducive to the general interests of learning. We have already stated that such a division exists, to a certain extent, amongst the University Libraries, and a special character has, by accidental benefactions, been in some instances imparted to the Libraries attached to Colleges. But this division of subjects might, certainly in regard to the former, perhaps even in regard to the latter, be carried out to a much greater extent. Such an arrangement is proposed by Mr. Strickland, with great reason, between the Bodleian and Radcliffe Libraries:—

"At present many works exist in duplicate in these two contiguous Libraries, "while a still larger number of important scientific works exist in neither. "Works on physical science are very sparingly purchased in the Bodleian, "because they are supposed to find their way spontaneously to the Radcliffe; "while the funds allowed to the latter Library are far too small to keep it on a "par with the scientific literature of the day. Hence the many deficiencies of "both Libraries. If the officers of each Library were mutually to agree to "abstain from purchasing any books which already exist in the other, much "money would be saved for the purchase of their common desiderata." Evidence, p. 101.

"There is at present," observes Dr. Greenhill, in allusion to the same topic, "in the Radcliffe Library a pretty large collection of Oriental Manuscripts "(Arabic, Persian, and Sanscrit), besides a considerable number of classical and "other non-scientific books. Very few persons are aware of the existence of "these volumes, (as there is no printed Catalogue of them, and they are not "shown to visitors, unless specially asked for,) and therefore they would be "much more useful if they were transferred either by sale, exchange, or other-"wise, to the Bodleian, which is the place where any one would naturally "expect to find them." Evidence, p. 229.

"Similar friendly relations," Mr. Strickland further suggests, "might also "be established between the Bodleian and the other public or otherwise perma-"nent Libraries of Oxford. This might be effected by employing some person "to compile a Catalogue of all the printed books existing in those Libraries "*which are not to be found in the Bodleian.* It would form a supplement, and a "very valuable one, to the Bodleian Catalogue. The two Catalogues together "would exhibit at one view the whole literary treasures of Oxford, and would "guide the learned Student to many a rare volume which he now overlooks. . . . Evidence, p. 101.

"I would . . . recommend that (with the consent of each College) the titles "of such of its printed books as are additional to the Bodleian collection should "be inserted in the general Catalogue above referred to, accompanied by a "distinctive mark, indicating the Library or Libraries in which a copy exists." Evidence, p. 102.

Some progress, we are informed, has been made in preparing a Catalogue, such as Mr. Strickland speaks of, of the books not in the Bodleian which are to be found in the College and other Libraries. It would be a benefit to the University and the Public if this Catalogue were completed and published.

The books and manuscripts of the smaller public Libraries before mentioned might with advantage be transferred to the larger Libraries, according to the subjects to which they severally belonged.

Evidence of Sir H. Bishop, p. 266.

The Professor of Music makes some remarks on the Library belonging to his own department, to which we must call attention:—"Amongst other means "for the advancement of the study of music, I know of none more important, "more worthy to be seriously considered, than the establishment of a distinct "*Library of Music*, which, from its completeness and classification, should "comprise a perfect history of the progress of the musical art. It is true that "copies of all musical publications, printed in *this country*, are, according to "Act of Parliament, deposited in the Bodleian, the British Museum, &c.; but "to render a Library of Music complete, and make it really useful to Students, "all superior *foreign* musical works, both theoretical and practical, of every "school and of every age, should be added to the collection. . . . . The "formation of such a Library . . . is by no means impossible. The Bodleian "is already the repository of a valuable collection of ancient musical manu-"scripts, which might be made a foundation to proceed upon. And when once "it became generally known that a Library of that peculiar description was "actually commenced, I feel confident that not only from time to time it "would be materially increased by *donations* of classical music, but that, in "case a small annual grant for the purpose from the University itself should be "objected to, a public *subscription* would be made towards the accomplishment "of the desired end. With the exception of *Munich* and *Vienna*, there is no "such *classified* and *historical* collection of music existing in all Europe."

2. DEFICIENCIES OF THE BODLEIAN LIBRARY.

2. With regard to the special wants of the Bodleian Library, Mr. Strickland's Evidence is worthy of attention:—

Evidence, p. 102.

"If the Bodleian be regarded as a *general Library*, analogous to that of the "British Museum, its most striking deficiency is certainly in the department of "physical science. But if, by the division of labour above recommended, the "literature of physical science were to be transferred to the Radcliffe, there "would still remain several notable deficiencies in the especial subjects belonging "to the Bodleian.

"A public Library, if its resources do not admit of its accumulating the "*omne scibile* of all countries, should at least endeavour to exhaust the printed "literature of its own immediate locality. On this principle the Bodleian "ought to be a storehouse of reference on all that relates to the University, "the City, and the County of Oxford. If it rejects newspapers in general, on "account of their bulk, it ought at least to preserve a perfect series of all the "newspapers published in Oxfordshire. Every ephemeral pamphlet, every "local periodical, every political squib, every poetical broadside, issued in the "county of Oxford, should be carefully collected, arranged, and preserved. "I have no doubt that the sweepings of the booksellers' shops in Oxford would "at this moment supply a large mass of local literature, which is not extant in "the Bodleian. A room in the Library should be especially set apart for this "local literature, and a highly curious collection would thus be formed for the "future historian of Oxford to explore.

"By the present Copyright Act the Bodleian Library is entitled to a copy of "every book published in the British dominions. As regards London, this "privilege seems to be very fully acted upon, but not so in the case of the "provinces. Many valuable and curious books are published in Edinburgh, "Glasgow, Aberdeen, Dublin, Newcastle, Bristol, and other large towns, of "which only a very small number ever find their way to the Bodleian. The "Library might easily employ an agent, at a small salary or commission, in "each of these towns, to collect the local literature and forward it to Oxford.

"A still greater deficiency exists in the case of Colonial literature. Although "the Copyright Act extends to the Colonies, no steps whatever appear to be "taken to secure to the Bodleian those colonial publications to which it is by "law entitled. Even should it be necessary to obtain such works by purchase, "a portion of the money laid out on foreign literature might be advantageously "expended upon the many curious books which have been published in the "different British Colonies.

"The literature of the United States is almost wholly unrepresented in the "Bodleian, except by English reprints of some of the more popular authors.

"The Bodleian Librarian deserves great credit for the diligence with which

" he has collected the ' Transactions ' and other periodical publications of Con-
" tinental Literary and Scientific Societies. The chief deficiencies under this
" head consist in the Transactions of Swedish and Danish Societies, and in
" those of our own Colonies, hardly any of which exist in the Bodleian.

" These scientific ' Transactions ' would be more appropriately placed in the
" Radcliffe, but as long as the Bodleian continues to procure this class of
" works, it ought not to restrict itself to the periodicals of learned societies, but
" should include the many equally valuable periodicals published by individual
" editors. Such, for instance, are Van der Hoeven's ' Tijdschrift voor natuurlijke
" Geschiedenis,' Müller's ' Archiv für Naturgeschichte,' Meckel's ' Archiv für
" Anatomie,' Froriep's ' Notizen aus dem Gebiete der Natur u. Heilkunde,'
" Leonhard's ' Zeitschrift für Mineralogie,' Poggendorf's ' Annalen der Physik,'
" Wiegmann's Archiv für Naturgeschichte.' ' Annales des Sciences Naturelles,'
" Silliman's ' American Journal of Science,' and numerous others which might
" be mentioned. . . . .

" In order to collect as far as possible the opinions of the literary public as
" to the *desiderata* of the Library, a conspicuous notice should be placed near
" the Catalogues, inviting all persons who fail to find in the Library the books
" which they want to enter the titles of such works in the *Desideratum-book*.
" If readers generally could be induced to do this, the Desideratum-book would
" be a valuable guide to the Librarian in making his purchases."

He observes further:—" It would be a great convenience if the titles of all Evidence, p. 101.
" new books, as they come in, were briefly entered on the blank leaves of the
" interleaved Catalogue. At present, if a reader does not find the book which
" he wants in the printed Catalogue, he must apply to one of the attendants to
" search the manuscript slips before he can ascertain the presence of a book,
" which often causes considerable trouble and delay.

" The printed Catalogues of the Bodleian are very well drawn up for practical
" purposes. I have only one suggestion to make in regard to them, viz., that
" the headings which consist of authors' *names* should be in a different type, or
" be otherwise distinguished, from the headings which express *subjects*; and
" that the *cross-references* should in the same way be distinguished from the
" *substantive titles*.

" The books in the Bodleian are greatly in want of a stamp or other distin-
" guishing mark. The greater part of them have no mark whatever to prove
" that they belong to the Bodleian Library; and if they were stolen it would
" be exceedingly difficult to identify them."

3. WANTS OF THE RADCLIFFE LIBRARY.

3. The Radcliffe Library is, as we have stated, under the control of the Trustees of the Radcliffe Estates. Mr. Strickland informs us, that " during several years, " when the late Dr. Williams was Librarian, the Trustees allowed the very Evidence, p. 103.
" liberal sum of 500*l.* a-year for purchasing books, and the Library during this
" period made great progress. But when, about seven or eight years ago, this
" allowance was suddenly reduced from 500*l.* to 200*l.*, the result was most
" injurious to the interests of the Library. The Librarian was compelled to
" withdraw his subscription from numerous valuable periodical works, and was
" almost precluded from purchasing any new works of importance." A request for the renewal of the grant was laid before the Trustees, signed by many distinguished members of the University, in 1845; but was declined, on the ground, we are told, of the very small number of Readers who frequented the Library; and subsequently, in 1847, in consequence of some unusual demands on the Radcliffe funds. " Whether those demands have been since satisfied, Evidence, p. 105.
" and whether it would now be in their power to renew their former liberality
" to the Library the public have no means of judging. For though the Rad-
" cliffe Trust is of large amount, and was specially destined by its Founder to
" public uses, no balance sheet of receipts and expenditure is ever laid before
" the public. All that is known is, that the gross income is very large, and
" that the rental must have been very greatly increased of late years, in conse-
" quence of the 'Railway Town' of Wolverton, containing nearly 2,000
" inhabitants, having sprung up on the Radcliffe Estates. There is, therefore,
" every reason to hope that the Trustees may soon be in a position to make
" adequate provision for the Radcliffe Library, without detriment to the other
" valuable Foundations which have arisen out of the Radcliffe bequests." We may also add that if a School of Physical Science should, as we hope, be

established in Oxford, the increase of persons likely to use the Library will remove the objection formerly raised to enlarging its means.

MUSEUMS.

The Museums of Oxford are far inferior to its Libraries. They are :—

1. THE ASHMOLEAN MUSEUM.

Evidence, p. 190.

1. The Ashmolean Museum, built by the University, in 1679–83. "It is," says Mr. Maskelyne, "rendered classical by the circumstance that it is a "standing monument of the vigour of the Students of natural knowledge, who "then held their meetings in Oxford, under the name of the Philosophical "Society, the embryo of the Royal Society." It consists of a laboratory, of apartments for the Keeper, now occupied by the Deputy-Reader in Mineralogy, and of a small Museum "of natural and artificial Curiosities" bequeathed by Ashmole.

The Keeper is appointed by the Visitors of the Museum, who are the Vice-Chancellor, the Dean of Christchurch, the Principal of Brasenose, the Regius Professor of Medicine, and the two Proctors, and is endowed, by Dr. Rawlinson's Will, with a salary, subject to conditions as strange as those which accompanied the other bequests of that eccentric personage,—that the Keeper must be a layman, unmarried, of the Degree of B.C.L. or M.A. only, and neither F.R.S. nor F.S.A. It is, perhaps, hardly worth while to make any material alterations in the regulations of an office of no great emolument or importance. But the appointment would more properly be vested in the Professors of Mathematical and Physical Science; and the office should be relieved from the absurd restrictions which we have just mentioned.

Evidence, p. 16.

"By a lucky accident," says Professor Daubeny, "the office has of late been "filled successively by two members of the same family [Mr. J. S. Duncan "and Mr. Philip B. Duncan], who have deserved the warmest praise for their "exertions and liberality in the cause of Natural History. But previously to "their appointment the Museum had fallen into great neglect, and even many "of its valuable contents placed there more than a century before had perished "through ignorance and want of care." "I hope," he adds, "it will not be "impertinent for me here to suggest, that in this instance these injurious "restrictions might be removed without injustice or loss to any one, if the "Society of St. John's College, whose funds are charged with the payment of "the above legacy, would let it be understood, that in future they would be "willing to endow the Curatorship to the same amount as that which Dr. "Rawlinson's Will prescribes, provided the individual appointed by the Uni-"versity, although not able to claim the salary under the conditions of the "Will, was one whom they, in consideration of his character and attainments, "shall approve. If something of this kind is not done, it may be feared that "the Museum may hereafter relapse into the same condition from which it has "been rescued by the public spirit of the present and the late Curator."

2. GEOLOGICAL AND MINERALOGICAL COLLECTIONS.

Evidence of Mr. Maskelyne, p. 190.

Evidence of Mr. Strickland, p. 101.

2. The Geological and Mineralogical Collections begun by Dr. Lloyd, from 1690 to 1709, and increased in later years by Dr. Simons, Dr. Conybeare, but, above all, Dr. Buckland.

"Two rooms in the Clarendon building, with two attics above, are assigned "for the Geological Museum,—a space wholly inadequate to do justice to the "splendid collection amassed by the zeal and liberality of Dr. Buckland. A "large portion of this collection has consequently never yet been unpacked, and "the portion exposed to view is crowded into the smallest possible space. "This space is further diminished by one of the rooms being also used as a "Lecture-room."

3. BOTANIC GARDEN.

Evidence of Prof. Daubeny, p. 17.

3. The Botanic Garden, established by the Earl of Danby in 1632. The endowment for keeping up the gardens and conservatories, owing principally to the neglected state in which the garden was when it came into the hands of the present liberal Professor (Dr. Daubeny) has never yet proved adequate to meet the expenses.

4. ANATOMICAL SCHOOL.

Evidence, p. 283.

4. The Anatomical School attached to Dr. Lee's Readership in Christchurch. It is therefore more a Collegiate than a University collection. It will be best described in the words of Dr. Acland :—

"Of this Museum a brief account must be given, because it is the only "Anatomical Collection in Oxford. It contains in the Osteological series "about 1,000 preparations, of which perhaps 300 are entire skeletons, ranging "from fishes up to man.

"In the Physiological series about 1,700; in the Zoölogical (invertebrate "chiefly) about 500 arranged, and as many more perhaps unarranged; a "Pathological series, in course of arrangement for the use of Students, intended "to show the more important Pathological changes, and other lesser series, "as one of Histology, &c.

"In the extension of the Collection one object (probably that of the "Founder) has been kept in view, viz., to provide that which might prove the "nucleus of a scientific Physiological School. As Oxford is circumstanced at "present, by far the most important point, in the arrangements for education in "the Natural Sciences, is that the attention of such of our youth as are occu-"pied in them should be directed to worthy objects, and into a right method "of studying them. For this end the Physiological series has been arranged, "as far as its limits will allow, on the plan of the Hunterian Collection; "and this for three reasons.

"1st. Because this is the most important and philosophical summary and "exposition of Physiological laws which exists.

"2nd. Because Students educated here, and made familiar from the outset "of their studies with the extensive views of John Hunter, could not fail to seek "and find interest, when more advanced, in the study of his great Museum in "London.

"3rd. Because they must necessarily become familiar with the Hunterian "Catalogue, with Mr. Owen's works, and other original sources of anatomical "knowledge of the highest worth. It is perhaps worthy of remark that pains "have been taken to obtain dissections from the exotic animals found in our "menageries, rather than from our domestic animals, in order that when our "Students work in earnest for Honours, in the school of Natural Science, which "will soon come into operation, they may be employed advantageously to them-"selves and to the Museum, in the detailed dissection of species within every-"day reach."

5. RADCLIFFE OBSERVATORY.

5. The Radcliffe Observatory. This is entirely under the control of the Radcliffe Trustees, and therefore not a University institution. The Radcliffe Observer has, on these grounds, declined to give us information. We therefore merely mention it in this place as being the only Public Observatory in Oxford.

6. SAVILIAN OBSERVATORY.

6. A small Observatory, for the purposes of instruction, has, at the request of the present Savilian Professor of Astronomy, been fitted up at the expense of the University in a small room erected on the roof of his house. "In the "present state of Mathematical Studies in Oxford," says Professor Donkin, "the inadequacy of this room is of little consequence. But in the event of any "considerable increase of Mathematical Students it is very desirable that a "more suitable locality should be provided."

Evidence, p. 261.

7. LABORATORY.

7. The small Laboratory fitted up in a part of the Ashmolean Museum. Both the Professor of Botany and the Deputy Reader in Mineralogy speak strongly of the inconvenience resulting from the absence of apparatus and other conveniences for courses of Chemistry.

Evidence, pp. 267, 286.

8. THE UNIVERSITY GALLERIES.

8. The "University Galleries," for works of Art, built lately at the expense of the University, with the aid of a small bequest from Dr. Randolph. The Lecturer on Art, if one should be appointed, would naturally be added to the body of Curators. The University has received considerable gifts and bequests since the erection of the building. It would be desirable to procure a series of Casts, to illustrate the progress of Greek Art from the earliest periods.

LECTURE ROOMS.

It may here be added that the Lecture-rooms belonging to the University are few in number, that they are not provided with desks and other requisites for Students, and that only two are capable of holding more than one hundred persons. When the audiences are larger than these rooms can accommodate, the Lectures are given either in the Theatre, or the Hall of the College to which the Professor happens to belong.

PROPOSED MUSEUM.

In consequence of the confessed deficiency in these respects the governing body of the University have for some time past meditated the building of a Museum on a large scale for the increased accommodation of the specimens and other objects of interest connected with Physical Science, which the University at present possesses or may hereafter possess, as well as for Lecture-rooms in this and other departments of knowledge. A grant of 30,000*l.* was

proposed for this purpose in 1851 from the funds of the University Press, but it did not pass Convocation.

We subjoin Dr. Acland's account of this proposal:—

Evidence, p. 237.

"With a view to the efficient working of these various Professorships, it is "highly desirable that a comprehensive Museum should be erected. The "several collections illustrative of the various physical sciences should be "arranged under one roof, with a proper library, reading-rooms, work-rooms, "&c. They are now scattered over the University, and, without exception, "confined for want of room: in but one is there a resident servant.

"Many Members of the University have interested themselves much in "forwarding this scheme. . . . . In the words of a prospectus, issued by the "'University Museum Committee' to every Member of Convocation:—

"'There is reason to expect that it will eventually include adequate room "'for the reception of Zoölogical, Geological, Mineralogical, Anatomical, and "'Chemical collections, for a series of apparatus of Experimental Philosophy, "'together with lecture-rooms, laboratories, &c., for the use of the Professors "'and Students of these several departments of Science; for the valuable "'Entomological collection and library lately presented by Mr. Hope; for a "'general scientific library, and, possibly, for a collection of antiquities.'

"However much I may regret the expenditure of a large sum of money in "building, yet I feel convinced that it would be a greater waste of means to "endeavour to improve the several buildings in which the collections of "Zoölogy, Mineralogy, Geology, Chemistry, and Anatomy now exist. Besides, "in truth, there are no proper lecture-rooms or laboratories for Students; and "it is quite certain that, until provisions are made by which Students can "work practically themselves without inconvenience, no real progress will be "made by them. Nothing would tend more to render effectual the new school "of Natural Science than the consolidation of these resources of the Uni-"versity, and the placing them thereby in that natural connexion with each "other, which it is important for the Philosophical Student to apprehend "from the outset of his career."

The following Letter from Professor Liebig has been put into our hands. It will show the opinion of that eminent person on two points, which we have discussed in the former pages, namely, on the use of certain of the Physical Sciences as branches of Elementary Education, and on the necessity of good Examinations for giving effect to academical instruction:—

"*Giessen, 2nd December* 1851.

"It is not possible for me at this moment to give you an explicit answer "to the question you propose, and to give full reasons for my opinion. That "it is a requirement of our times to incorporate the Natural Sciences, as means "of education, into the University Course, is not, perhaps, doubted anywhere "except in England; but there is only one way to promote the effectual study "of the Natural Sciences, and that is to introduce them as subjects of Uni-"versity Examination. Without Examination, all efforts are useless, and no "scheme of instruction has any perceptible effect.

"I am supported in my assertion by an experience of twenty-seven years, and "I can assure you that, even among our Medical Students, the study of Natural "Philosophy, of Chemistry, of Zoölogy, was utterly neglected, until we deter-"mined to divide the Examination of these Students into two, namely, a "previous Examination in the Natural Sciences, and a second Examination in "them, proper to the Medical department. When I assure you that for twenty "years no Medical Student at Giessen visited the Laboratory, this is a full and "sufficient proof of what I say. But immediately after the Examination was "introduced . . . . the Students pursued their studies with zeal and ardour. "I repeat it—if no Examination is introduced, the best schemes will fail, and "will produce no effect; introduce the Examination, and all the rest follows of "itself. This leading point must first be determined." . . .

It will be perceived that these views fall in with the recommendations we have given above, for the purpose of making the Academical Course available for the preparatory or fundamental Sciences of Law and Medicine, while we leave the strictly Professional Teaching and Examinations to those who are engaged in directing the practice of both Professions.

IV. REVENUES.

As we have before stated, we have but little information to communicate respecting the Revenues of the University. The Vice-Chancellor having declined to answer our inquiries, or to furnish us with the necessary documents, only a few sources of authority are accessible to us. The Press, the Estates, the Accounts, are in the hands of standing Delegacies which give no publicity to their proceedings. The Heads of Colleges, with the exception of those who have held the office of Vice-Chancellor, and of those who are on the Delegacies, know as little on these matters as the Members of Convocation in general. Legislation on pecuniary matters is consequently carried on without adequate knowledge as to the Revenues of the University, either on the part of the body which proposes grants of money or on the part of the body which sanctions them.

The Revenues of the University, as distinct from the Colleges, arise from several sources.

I. Estates and monies in the Funds.

I. ESTATES AND MONIES IN THE FUNDS.

The gross annual income of the University arising from rent of land and fines, which it can apply to its general purposes, does not exceed 1,260*l.* a-year. It is expected that the University will, in the course of a few years, receive 400*l.* per annum from property hitherto unproductive; and this additional income may be used as the authorities think proper. We are unable to say whether any attempt has been made to improve the income of the University by running out leases. The rents of most of the estates which it possesses are appropriated to the support of Professors, the repairs of public buildings, the payment of certain Functionaries and the University Scholarships, and some endowments, held in trust for the Halls. The estates belonging to the Professorships of Sir H. Savile are under the superintendence of the Professors themselves.

The University holds also a large amount of funded property, but the proceeds from this source are also, for the most part, applicable only to definite purposes of the same nature as those which we have just enumerated. The annual sum which is not so appropriated is under 2,400*l.* a-year.

II. The University Press.

II. THE UNIVERSITY PRESS.

The revenue arising from the printing of Bibles and Prayer-books amounts, it is said, to not less than 8,000*l.* a-year; but this is not carried regularly every year to the University account. It is only when a considerable accumulation has taken place that the Delegates of the Press transfer what they regard as disposable surplus to the University. Very considerable balances have been thus paid over during the last twenty years. On the University Galleries a sum of about 60,000*l.* was expended, of money arising from the profits of the Press. The salary of the Professor of Pastoral Theology was for several years, and that of the Professor of Ecclesiastical History is still, defrayed from the interest of a fund supplied from the same source. The Delegates a few years since transferred to the account of the University a further sum of about 40,000*l.*, and last year 60,000*l.*, which was part of a still larger accumulation.

The prosperity of the Press is of comparatively recent date, though it has long possessed a share in the exclusive privilege of printing English Bibles and Prayer-books. For many years the profits were principally applied to the formation of a capital in buildings and in stock. It is asserted that the current expenses of the business now require a floating capital of not less than 50,000*l.* We believe the Bibles and Prayer Books are printed in the best manner, and sold by the University Press at a rate so low that the public would probably gain nothing by an abolition of the monopoly.

When the Delegates undertook to manage the Bible and Prayer-book department of the Press, they formed a partnership with certain tradesmen. This arrangement continues to the present time, and may be regarded as one chief cause of its prosperity. The University, which for a long time was possessed only of one-half of the business, had obtained one-eighth more in 1841 by purchase, and has lately still further increased its interest in it.

The Learned Press, as it is called, or that department of the Press in which the printing of books other than Bibles and Prayer Books is carried on, is the sole property of the University. We are unable to judge whether any gross profit be derived, on the whole, from this part of the business by the University,

It is certain that some of the copyrights in its possession must have produced considerable returns. Some magnificent works, which are acceptable to the learned, and which would probably not have been undertaken in any other quarter, have come forth of late years from the University Press.

The University also receives 500*l.* a-year from the country as a compensation for the loss of its right to print almanacks.

III. FEES.

III. Fees.

Stat. Univ., Tit. xix.

It was ordered in the Code of Archbishop Laud that, "since Fees of great "variety and many descriptions, according to the different conditions of persons "and degrees, are demanded on many accounts, a full knowledge and ac- "quaintance with which is the interest of all parties, both creditors and "debtors, inasmuch as ignorance in these particulars makes the former more "accessible to fraud, and exposes the latter to unjust suspicions, it is enacted "that the Fees regarding the University, and all officers and servants whatever, "shall, after having been strictly and diligently examined and reduced into "placarded tables, be openly exposed for all to see and read in the robing-room "adjoining the Convocation House."

Appendix G.

There they duly hang. We have caused them to be transcribed, and they appear in the Appendix to this Report. The system of Fees which this Table represents is obsolete. How far the Fees actually paid are derived from it, or how, and in what degree, they have been altered from it, we are not able to say. The actual Fees paid are:—

1. FEES AT MATRICULATION.

1. Fees at Matriculation.

The Matriculation Fees vary with the rank of those who pay them. The son of a Prince, Duke, or Marquis, pays 13*l.* 15*s.*; the son of an Earl or Viscount, 13*l.* 13*s.* 4*d.*; the sons of Bishops, Barons, Baronets, Knights, Archdeacons, Esquires, Doctors, Gentlemen, Clergymen, and Plebeians, are charged on a gradually diminishing scale. The payment for the class last named is 1*l.* 19*s.* 6*d.*

2. FEES AT EXAMINATIONS.

2. Fees at Examinations.

All Undergraduates are called upon to pay Fees previously to their Examinations: before Responsions, 16*s.*; before the Final Examination, 21*s.*; and before the new Intermediate Examination, likewise 21*s.*: this makes in all 2*l.* 18*s.* It is not stated in the recent Statute whether a person who shall present himself in different Terms (as the Statute permits), in order to pass in two or more Schools, will have to pay the sum of 21*s.* each time that he may require his name to be inserted on the list of candidates. At present a large number of the Students give in their names more than once, either because they put off their Examination, or lose courage after the first day, or are rejected; and they pay the Fee each time that they appear before the Proctor. It is calculated that the amount of Fees paid previously to Examinations will amount to about 1,100*l.* a-year.

3. ANNUAL FEES PAID BY ALL MEMBERS OF THE UNIVERSITY.

3. Fees paid annually by all Members of the University.

Appendix H.

The annual dues depend neither on the rank nor the wealth of the persons charged, but solely on their academical position. Their amount at this present time may be seen in the Appendix. For "Culets," Bodleian Library, Charter, Divinity Clerk, Police Tax, Fire Tax, Public Walks, Protection of Property, Paving and Lighting, Doctors of Divinity, Law, and Medicine, pay 1*l.* 8*s.* 4*d.*; Bachelors of Divinity, Law, and Medicine, pay 2*s.* 8*d.* less. Masters of Arts, of two years' standing from Regency, pay 1*l.* 1*s.* 8*d*; other Masters of Arts, if of Colleges, pay 1*l.* 0*s.* 8*d.*; if of Halls, 1*s.* less. Bachelors of Arts are called upon to pay for the same purposes as the superior Graduates, with a further sum for the Gallery of St. Mary's Church and the Prælector of Logic; so that their annual contributions amount to 1*l.* 4*s.* 8*d.* Undergraduates do not pay Fees to the Bodleian Library; the tax paid by an ordinary Undergraduate is thus reduced to 18*s.* 8*d.* a-year. Undergraduate-Members of Halls pay 4*d.* less.

4. FEES AT GRADUATION.

4. Fees paid at Graduation.

Here it is not birth nor academical rank which determines the variation in the Fees exacted from different persons for the same Degree. The element taken into consideration is principally wealth, or supposed wealth, though residence or non-residence, actual or contemplated, and accumulation or non-accumulation of Degrees, enter into the calculation. A Petty Compounder is one who has 5*l.* a-year of his own. In this case some trifling additions are made to the ordinary Fees. A Grand Compounder is one who has lay income to the amount of 300*l.*, or ecclesiastical income to the amount of 40*l.* a-year, as

rated in the King's books. In former times Grand-Compounders, habited in a scarlet gown, paid a series of visits (called the "Circuit") to various members of Congregation, and were escorted to the Convocation house by the Vice-Chancellor and Proctors. The dress is still worn for a few moments; but the rest of the ceremony has fallen into disuse. A Fee is paid for omitting the circuit.

For the Degree of Bachelor of Arts the Fees are, respectively, for Grand-Compounder 30*l.*, and for ordinary persons 8*l.* 8*s.*

For the Degree of Master of Arts respectively 40*l.* and 15*l.*

The ordinary Fees for the Degree of Bachelor of Divinity are 20*l.*; for the Degree of Doctor of Divinity 45*l.*

Those who accumulate, that is, who take two Degrees at the same time, pay more than others.

The highest fee is paid by a Non-resident, Accumulating, Grand-Compounding Doctor of Divinity; and this Fee amounts to 104*l.*

Two guineas are paid by most of the Candidates for a Chancellor's Letter, authorising the Hebdomadal Board to sanction, and Congregation to grant, in opposition to the spirit of the Statutes, a dispensation for non-residence during six of the twelve Terms required in order to the Degree of M.A.; residence for five other Terms being escaped, the candidate has only to live in Oxford twenty-one days in some one Term, continuously or at intervals. Of these two guineas, about three-fourths are paid to the Chancellor's Secretary, and one-fourth to the Registrar.

Of the cost of Graduation, 10*l.* for the Doctorate, and 3*l.* for the inferior Degrees, are duties to Government; but the Candidates are charged for this 10*l.* 10*s.* and 3*l.* 3*s.* respectively.

The remainder is paid to the account of the University. Several items are nominally charged for exercises and other customs which have long ceased.

IV. Grants from the Crown, or by Annual Vote of Parliament.

GRANTS FROM THE CROWN AND THE PARLIAMENT.

The particulars of these grants may be seen in Appendix B. The whole amount thus received is about 1,042*l.* and it is wholly applied to payment of public Professors.

Appendix B, p. 24.

EXPENDITURE OF THE UNIVERSITY.

The University is liable to heavy burdens. The Proctors receive annually between them 700*l.*, the Pro-Proctors 320*l.* The five Bedells, whose Fees are carried to the account of the University, are paid annually 850*l.* The emoluments of the superior Bedells before a fixed salary was substituted for fees are said to have been not much less than 700*l.* per annum. Those of the inferior Bedells were also very large. The amount paid to the Bedells at present cannot be estimated at much less than 1,550*l.* a-year; and even when they shall all receive fixed salaries, the annual sum will exceed 1,050*l.* a-year; a sum assuredly too large for such a purpose. In former times they had important and constant duties to perform. On them the effectiveness of the Public Lectures really depended. Now they are of little use but to figure in a few University ceremonies. At Cambridge there are, we believe, but three Bedells. The Examiners and Masters of the Schools, who have hitherto received 940*l.*, are henceforward to receive about 1,600*l.* a-year. The Registrar of the University is also well remunerated. The night police of Oxford, which is paid for by the University, costs about 1,500*l.* a-year. The proportion paid by the University towards the rates for paving and lighting is about 2,000*l.* a-year.

Thus the ordinary and unavoidable expenses of the University for its general purposes amounts to more than 7,000*l.*, and will be greater. Its ordinary income at present cannot be estimated at much more than 7,500*l.* a-year. It has given on an average of several years about 1,200*l.* a-year, generally speaking, in cases in which there was a fair claim upon it; but in the year 1850 it made further grants amounting to 2,500*l.* for Colonial Bishoprics and for the University of Toronto. Last year it made a grant of 1,000*l.* to the Bishop of Oxford's Training School, but it was forced to defer the payment of one half of that grant to the present year.

Our Recommendations on the subject of the Revenues are these:—

1. We are of opinion that publicity, so far as possible, should be given to University accounts.

We see no reason why the proceedings of the Delegates of Accounts and the financial statements of the Vice-Chancellor should not be divulged. A full balance-sheet should annually be laid before Convocation, and the books themselves should be accessible to its members for some time afterwards.

There may be much which prudence would forbid the University to publish as regards the commercial transactions of the Press; but there is much also as regards its general condition which could be made known with advantage.

2. We are of opinion that it is incumbent on the University to publish from time to time a full and clear statement of all Fees demanded and of their application. In the Cambridge University Calendar an intelligible statement of the University Fees, drawn up in a tabular form, appears every year. We have never heard that inconvenience has arisen from the publication.

The Fees should, therefore, be revised by the University. Some, not in themselves unfair, are levied without authority. None should be exacted for services which are not rendered, nor for purposes which have ceased to be real. Idle forms are kept up for the sake of Fees, and thus a twofold evil is produced. The sums requisite for the purposes of the University should be levied directly, simply, and equitably. It is sufficient, we trust, to point to the difference of charges made on the score of birth, station, and wealth (or what is held to be wealth), to secure their immediate abolition. The exorbitant demand made on Grand-Compounders is condemned by all the Evidence we have received on the subject. "I have long wished for its abolition," says Dr. Macbride, "and recommended it. A scheme which makes a man of 300*l.* per "annum pay a heavy sum for a Degree which costs only a few pounds to "the heir of an entailed estate of thousands is most objectionable." In any case these exactions are unjust; in some cases they even preclude members of the University from taking the Master's Degree, which is necessary to the exercise of the University franchise. "I know an instance," says Professor Browne, "of a young Clergyman of very small means, whose preferment, "although of little value, is rated so high in the King's Books as to con-"stitute him a Grand-Compounder. The consequence is that he is entirely "debarred from taking his M.A. Degree." That such a practice should have been continued is a striking proof of the difficulty of abolishing, in ancient institutions, where the legislative power is slow to move, customs universally acknowledged to be oppressive and absurd.

Evidence of—
Prof. Browne, p. 7.
Prof. Walker, p. 22.
Mr. Bart. Price, p.67.
Mr.Strickland,p.100.
Mr. Scott, p. 113.
Mr. Freeman, p. 141.
Prof. Wall, p. 150.
Mr. Congreve, p.153.
Dr. Twiss, p. 157.
Sir E. Head, p. 161.
Dr.Macbride, p. 220.
Mr. Foulkes, p. 226.
Mr. Stoddart, p. 334.

3. We are of opinion that the University ought not to spend its revenues on objects not academical. It is, as we have seen, inadequately supplied with Lecture-rooms, Museums, and Laboratories. The Examiners for Scholarships are unpaid. Most of the Professorships are so ill endowed as not to afford a maintenance for the Professors. There are many branches of learning and science which are not at all represented by Professors. Even if the Professors should not be rendered to a greater extent than they are at present the dispensers of instruction, the University would consult its true interests by securing the advantages which the presence and reputation of eminent men could not fail to bring. Till all these objects have been obtained, it would seem advisable that the University should not disperse its resources. The encouragements held out by University Scholarships to talent and industry could also be multiplied with advantage.

4. We are of opinion that the stamp duty now charged on Matriculations and Degrees, and the heavy tax of 10*l.* on the official certificate of a Degree ought to be repealed. It seems anomalous that the Government should take from a place of education not less than 2,400*l.* a-year.

Evidence of—
Dr. Macbride, p. 220.

5. A large part of the considerable property which the University has in the public funds is appropriated, as we have before said, to the Professorships, the University Scholarships, and other purposes of a similar kind. The tendency of the precious metals in value has long been to fall, and as that tendency appears likely to increase, there is some danger that incomes arising from this source will experience a great diminution. It would be a great benefit if the University received permission to invest its funded property in land. But this cannot be done without licence of mortmain. We beg leave humbly to refer this subject to Your Majesty's gracious consideration.

THE COLLEGES.

MANNER OF TREATING THE SUBJECT.

We now proceed, in conformity with the terms of Your Majesty's Commission, to inquire into the condition of the nineteen Colleges of Oxford, as distinct from the University. The Discipline and Studies of these smaller Corporations have been considered already, in connexion with the Discipline and Studies of the larger body, of which they form a part. As to the State and the Revenues of some of the Colleges, we are enabled to submit to Your Majesty a Report sufficiently full and authentic; but in the cases in which their Governors have supplied us with only partial information, or have withheld it altogether, we must trust to such documents as are within our reach. We have obtained the Statutes of Balliol, Merton, Queen's, New College, Lincoln, All Souls, Magdalen, Brasenose, Corpus, Jesus, Pembroke, and Worcester. We have also the second Code of the Statutes of Oriel which we believe very nearly resembles that by which the College is now governed; a published translation of the early Statutes of University College, and the Statutes of the two first Foundations of Christchurch.

Most of the recommendations which we think it our duty to lay before Your Majesty are applicable, with certain modifications, to all the Colleges. We think, therefore, that it will be conducive to brevity and convenience if we first contrast the present condition of the Colleges with the state of things contemplated almost uniformly in their Statutes, and then proceed to discuss the measures which will in our opinion be generally necessary for all, before we enter upon an account of each, and point out their peculiar wants. It may be useful to preface our inquiry by a slight sketch* of the origin and formation of these remarkable Institutions.

RISE AND PROGRESS OF COLLEGES. Wood's Colleges and Halls, pp. 652, 653.

The Students who resorted to Oxford in early times, lived in the houses of the townspeople. In some cases, a number of youths sufficient to support an authorised Teacher, that is, a Master of Arts, or a Graduate in one of the superior Faculties, occupied with him a whole tenement, which then bore the name of Inn, Hostel, or Hall. The Master who ruled it took the title of Principal, and acted as Guardian of the younger members. All that was required for the establishment of such an institution was the payment of a year's rent in advance, or security for it; and, as early as the reign of King Henry III., or even earlier, it was one of the privileges of the University that houses once let to Students were not to be applied to any other purpose. Whenever the office of Principal became vacant, a new Governor was chosen by the Students themselves, and admitted by the Chancellor. As the number of Students increased, the Halls were multiplied. Anthony Wood states that he could show the names and places of more than three hundred.

HALLS OR HOSTELS.

Wood's Annals, anno 1255, vol. i. p. 254.

Ibid. anno 1307, vol. i. p. 372.

PRIVATE LODGINGS.

Wood's Annals, anno 1255, vol. i. p. 254.

Ibid. anno 1307, vol. i. p. 373.

Ibid. anno 1512, vol. ii. p. 4, 5.

But the great majority of the Scholars, at some periods, and a certain number at all times, till the middle of the sixteenth century, lived independently in hired rooms. At one time they were to be found even in taverns, hovels, and the turrets of the city walls. Regulations were made for the government of this class of Students as late as the year 1512; and Cardinal Pole found it necessary to order that all Scholars who were more than twelve years of age should leave the houses of the citizens, and place themselves under the care of a Principal in some Hall.

The Halls disappeared with the great diminution which took place in the number of Students about the middle of the fifteenth century. This enabled the Colleges, or incorporated societies which had grown up in the meantime, whose buildings were at first not much more than sufficient for their foundation members, to enlarge themselves by the purchase of Halls on advantageous terms; and this enlargement, on the other hand, rendered it practicable to enforce the residence of all Undergraduates in some College or Collegiate Hall. This important measure appears to have been fully executed from the time of Queen Elizabeth.

Five only of the Halls once so numerous are now separate places of education; but each of these is likewise formed of several older houses of learning,

* In the historical sketch which follows, we are indebted for much valuable assistance to a Paper written, at our request, by Mr. Goldwin Smith, Assistant-Secretary of the Commission. This Paper we have caused to be printed at the end of our Report.

and they now differ from Colleges only in being unincorporated, and having little or no endowment beyond their site and buildings.

FIRST ENDOWMENTS HELD IN TRUST BY RELIGIOUS HOUSES.

Of the Students in ancient times, few were wealthy; the great majority were very poor; some were even mendicants. Licenses to beg were issued to distressed Students by the Chancellor, or his Commissary, so late as the year 1572. To many, support was afforded as an alms by the Crown, the Nobility, the dignitaries of the Church, and the Monasteries. But these "Exhibitions," as such benefactions were called, often expired with the benefactor, or ceased from other causes, and a desire naturally grew up in benevolent minds to perpetuate their charity. This could not be done effectually, except by placing endowments in the hands of corporate bodies. The privileges of incorporation had been acquired by many monastic institutions; and it was through Monasteries and Hospitals that those who desired to give permanent support even to secular Students, sought at first to accomplish their purpose. We are told that in such institutions "studying members had place and establishment "by a regular endowment." Such, for instance, was the case in the hospital of St. John, at Cambridge. In the thirteenth century several religious orders had obtained possession of Houses in Oxford, which contained secular Students besides the Novices, and exercised great influence in the University. There were at one time as many as ten Colleges or Houses of this kind. It is certain that in Durham College there were endowments for secular Students.

Wood's Annals, anno 1572, vol. ii. 172.

Kilner's School of Pythagoras, p. 24, London, folio, 1780.

Wood's Annals, anno 1307, vol. i. p. 372.

From these elements the Collegiate system was formed. The two earliest of the institutions which now bear the name of Colleges were in fact Halls supported by endowments held in trust for the maintenance of their Students.

ENDOWMENT HELD IN TRUST BY THE UNIVERSITY.

University College owes its origin to a bequest of William of Durham, whose executors in 1249 selected the University itself as the trustee of his bounty to twelve Masters for ever.

ENDOWMENTS HELD IN TRUST BY THE PROCURATORS OF DEVORGUILLA BALLIOL.

What is now Balliol College sprang originally from the bounty of John Balliol, who in 1268 gave exhibitions "to certain poor Scholars till he could "conveniently procure an habitation and settle land on them; but, dying in "1269, he left his design unsettled, yet with an ardent desire on his death-bed "that his lady and executors would continue that charity." For a while the poor Scholars were maintained out of his personal estate, and lived in a Hall belonging to the University. But in the year 1284 Devorguilla, his widow, purchased a tenement in Oxford, and settled it, together with land in Northumberland, on those Scholars for ever. She had given them a brief body of Statutes in 1282; leaving, however, the management of the estates, and the ultimate appeal in controversies, to two persons, of whom she speaks as her "Procuratores." The idea of a self-governing Society, with perpetual succession, distinct from the houses of the monastic orders, established in Oxford itself, and designed mainly to support Scholars, was scarcely realised in this institution. This was reserved for a greater benefactor, whose conceptions, however, were by no means matured at the first effort.

Wood's Colleges and Halls, p. 70.

WALTER DE MERTON'S FOUNDATION THE FIRST REAL COLLEGE.

The real founder of the Collegiate system in Oxford was Walter de Merton. His first foundation, which was four years before that of John Balliol, was a religious house in his manor of Maldon, in Surrey, which he endowed liberally, "for the maintenance of twenty Scholars residing at the Schools in Oxford, or "elsewhere in England where a University might exist;" and also for the maintenance of a Warden, and three or four Ministers of the Altar, who were to live in the house, together with lay brethren or bailiffs, whose business was to cultivate the property. It may seem, at first sight, that this institution was not different from other religious houses in which provision was made for the Education of Novices and Students, and it was, doubtless, modelled after them. But the clerical community of Walter de Merton was not bound by monastic vows, nor were the Students compelled to take Holy Orders. The Society belonged to none of the Religious orders; on the contrary, one of the motives of Walter de Merton, as probably of most of the founders of the older Colleges now in existence, was to counteract the influence of the regular clergy, more especially that of the mendicant friars. The early history of the University of Paris is almost the same as that of the University of Oxford; and both in France and England there was a fierce contest between the Friars and those who had hitherto been dominant in the Universities. "They go "about the Universities," said William de Saint Amour, the great Parisian Doctor of the thirteenth century, in his attack on the Mendicants, "in which

Charter of Foundation. 1264.

Percival's Translation of Merton Stat. p. 5.

Merton Coll. Stat. c. 14.

Neander's History of the Church, vol. vii. p. 549.

"young men of genius and acuteness can be found, and circumvent them with "fair speeches, commending their state and traditions." If Walter de Merton ordered that some of the members of his House should be Priests, this seems to have been done, partly at least, in order to secure the great object for which, in that age, property was given by benefactors, namely, the benefit which perpetual prayers and masses were believed to secure for those on whose account they were offered. But no such obligations were laid by him on the Warden and Scholars who were the essential part of his community.

Licence of Richard De Clare to Walter De Merton, in Perceval's Translation of the Merton Statutes, p. 2.

It was not till 1270 "that he discovered that his prædial and other economy "might be answered," although the governing part of his Foundation should be fixed in Oxford, so as to form one community with his Scholars, who till that time lived, no doubt, like other Students of the University, in Halls or hired rooms. He accordingly ordained that the Warden and Ministers of the Altar should be removed to Oxford, leaving the estates to be managed by the Bailiffs, under the control not of the Warden and Priests, but of the Warden and Scholars; and "in order that the property and entire dominion of the "possessions and manors of the House whether ecclesiastical or secular, might "be clearly shown to belong to the Scholars," he enjoined that, once in each year, the Warden, upon receiving notice from the Senior (or Vice Warden) and from the Scholars, should convene all the Stewards and Brethren of the manors to some one of the manors; and that all the Stewards and Bailiffs should in token of the surrender of their offices resign their keys; and that then a diligent inquiry should be instituted by the said Senior and Scholars, into the life, conduct, and morals of the Warden, Stewards, and Brethren. His conception, thus fully developed, constitutes the essence of every College now existing. The Colleges are lay corporations, even though every member of them may be a clergyman.

Kilner ut supra.

Merton Coll. Statutes, c. 24.

In this way he, gradually, organised the first academical corporation, which was wholly secular, and mainly designed to support poor Students; and gave a model, which was extensively imitated in Oxford itself, in Cambridge, and, perhaps, in other Universities. But his Foundation had beneficial effects besides those which he had in view. He regarded it as possible, even when his last Statutes were made, that the University might be, as it had more than once been, removed to some other place in England; and he provides in those Statutes for such a contingency. It was soon perceived, however, that his College served to promote "Stabilimentum Universitatis," that is, to fix the University to its present locality; and Kilner states, apparently with truth, that what was thus, in the first instance, an unforeseen result, became an important object in the eyes of subsequent benefactors.

Kilner's School of Pythagoras, p. 32.

The example of Walter de Merton was rapidly followed. Its effects were first seen in the two small foundations which had preceded that of Merton College.

The University released itself in the year 1280 from the burden imposed upon it by the executors of William of Durham, by settling four Masters in a Hall which it had purchased, and committing the management of the revenues destined for their support to one of the four under the name of Procurator. Thus arose what ultimately became University College; but the Society was governed by Statutes emanating from Convocation, and by the earliest Statutes the choice of the four Masters rested with delegates of that body. In 1311, "the Scholars of William of Durham," as they were still called, were permitted to recruit their numbers by election, their choice being however subject to the confirmation of the Chancellor and others. A Royal Charter was granted to them in 1317 by King Edward III. University College still retains a trace of its origin in its legal name of the "College of the Great Hall of the University."

UNIVERSITY COLLEGE. 1280.

Smith's Annals of University College, p. 47.

Balliol became a College in the true sense of the term in 1340, when Sir Philip Somerville gave it a body of Statutes.

BALLIOL COLLEGE. 1340.

Exeter College, originally founded in 1314, was for more than two centuries a Hall merely with endowments for Scholars.

EXETER COLLEGE. 1314.

Oriel College, founded in 1326 by King Edward II., was in many respects a copy of Merton.

ORIEL COLLEGE. 1326.

It was soon discovered that such Corporations as Colleges were capable of fulfilling many purposes besides that of giving support to poor Scholars. Robert de Eglesfeld, who founded Queen's College, in the year 1340, designed to make it a great Ecclesiastical Institution as well as a house of Students, but

QUEEN'S COLLEGE. 1340.

some of the objects for which he provides in his Statutes could have been accomplished only in the event of a large increase in the endowments of his Foundation. His designs are conceived very much in the spirit of William of Wykeham, which we shall presently describe, though they are not embodied in so complete a system.

Several of the early Colleges, University, Balliol, Merton, Exeter, and Oriel, had not chapels of their own, and their Scholars resorted to parish churches. Their funds barely sufficed for the maintenance of their studying members. In these Colleges the Scholars were not obliged to take orders; and though the rule of life in all of them, so far as we can judge, was borrowed from that of monasteries, it was not by any means so monastic as that of the Colleges founded by Wykeham and his immediate successors. Queen's appears to have been the first College rich enough to have a chapel of its own, and its Statutes form an intermediate step, between the simple regulations of the early founders, and the elaborate Codes which were given from the commencement of the fifteenth century, besides containing many peculiarities. Doles to the poor, like those bestowed in monasteries, though usual probably in other Colleges, are here alone expressly enjoined. To the governing body of Fellows were added a proportionate number of poor boys who were to be maintained in the College, to wait on the Fellows, and to be educated by a Master provided for them.

THE FOUNDATION OF NEW COLLEGE A NEW ERA.

1386.

The foundation of the College of St. Mary Winton in Oxford, commonly called New College, which took place in 1386, forty-six years after that of Queen's, was an era in the history of these Institutions. William of Wykeham not only endowed it on a more magnificent scale, but gave it a more ecclesiastical, or rather monastic character than had belonged to any previous foundation. It appears from his Statutes, that the abuses of monasteries had become great and flagrant, and it is certain that the inclination for building them much declined in the fourteenth century. He states that he hopes better things from a body of learned men; and apparently intends to create an Institution which shall avoid the evils of the great Abbeys, but combine their chief purposes with those of a literary foundation. The very character of his buildings, secluded and gloomy outwardly, but stately and convenient within, his noble chapel, and his cloisters, intimate what was in his thoughts. The Statutes, which are minute and elaborate to an extent before that time unprecedented, impressed a monastic character on the whole institution. In order to encourage the Fellows to take Priest's orders, it is provided that they are to receive a considerable accession of stipend when they become Priests. Besides them, there are to be ten Priest Chaplains, three inferior Clerks, and a body of Choristers. The Warden is to have a large income, and appears to stand towards his Fellows much in the same relation as a great Abbot towards his Monks. The Fellows are to be Clerks, tonsured and skilled in plain song; they are to attend matins, vespers, and other canonical services, and to form daily processions round the cloisters. A Choir is provided for the solemn celebration of the various services of the Roman Catholic Church. New College is remarkable also for its connexion with the other great St. Mary College, founded by Wykeham at Winchester, "which is to be its beginning "and origin," a nursery for its Scholars.

New Coll. Stat. c. 68.

Ibid. c. 30.

Ibid. c. 45.

Ibid. c. 11.

Ibid. c. 41, 42.

Ibid. c. 2.

LINCOLN COLLEGE.

1427.

Lincoln College, which comes next in order, was founded principally with the idea of training Theologians to "exterminate" the principles of Wycliffe. It is also peculiar from the endeavour of its Founder to combine with the Collegiate element something of the character of a Chapter. The College was founded in close connexion with the Church of All Saints in Oxford.

ALL SOULS COLLEGE.

1438.

All Souls, by a combination which was not unusual in England, when the predilection for Monasteries diminished, was a Chantry as well as a place of education, both on a splendid scale. It was probably spared at the Reformation, because of its literary character, though all other Chantries were swept away. Its regulations were framed on the model of New College, to which its founder, Chichele, had belonged; and the College is almost as monastic in discipline and constitution.

MAGDALEN COLLEGE.

1457.

Magdalen College is also, perhaps in consequence of the connexion of its founder with Winchester, a close imitation of New College. But it offers some important peculiarities. It is to have a School in Oxford open to all comers. The members on the Foundation are divided into a Senior and Junior body.

In addition to the Graduate Fellows, there is to be a class of Demyes, who are to receive the half the commons of Fellows. In this College we find the first attempt to supply gratuitous instruction to the University at large by the establishment of College Lecturers, who were to be chosen without any restriction, and to deliver lectures to the whole University.

BRASENOSE COLLEGE. 1520.

The Statutes of Brasenose College, issued in 1520, three years after the publication of Luther's Theses, seem to have been framed by a person who clung most fondly to those tenets of his faith which were most vigorously assailed. They enjoin devotions of a peculiarly Roman Catholic character, such as saying weekly the Psalter of the Virgin, and repeating five times each day of the Lord's Prayer in honour of the five wounds of the Crucifixion, of the Angelic salutation in honour of the five joys of the blessed Virgin, and of the Creed in honour of the twelve Apostles, once a day. Obits are also to be celebrated in the College frequently.

Brasenose Coll. Stat. c. 15.

Ibid. Appendix, p. i, ii.

CORPUS CHRISTI COLLEGE. 1516.

Corpus Christi is without the gorgeous services of New College and Magdalen; but it is under a similar rule. Like Magdalen, it possesses Lecturers for the benefit of the whole University. Its chief characteristic is the importance attached by Bishop Fox, its Founder, and the friend of Erasmus, to Classical Literature. He apologises for the barbarous language of his Statutes, and requires his Fellows to write verses, and good Latin prose. In an Epistle of Erasmus, Corpus is called "Bibliotheca trilinguis," the Library of the three Learned Languages.

C. C. C. Stat. c. 1. 9.

Lib. iv. p. 281.

CARDINAL COLLEGE. 1525.

Cardinal College seems to have been designed by Wolsey to comprehend almost all that had hitherto been aimed at by such Foundations. It was to provide for the indigent; for an almshouse was attached to it. It was to be a Chapter, and to have a Church and a Service more stately than that of New College, or than that of any Cathedral; for in it were to be sixty great, and forty lesser, Canons. It was to be a House of Learning; for these Canons were all to be Students, and one hundred Scholars besides were to be supported. It was to have Public Lecturers like Magdalen and Corpus; and, through its Professors, was to become almost a University in itself, dispensing instruction to the University at large.

Wood's Colleges and Halls, p. 423.

Wood's Annals, anno, 1523, 1525, vol. ii. pp. 23, 27.

Thus, then, step by step, was the idea of a College formed, till all its capabilities were fully developed in the grand design of Wolsey, of which Christchurch, noble as it is, is but a reduced copy.

The later Colleges, though with some peculiarities of their own, are for the most part imitations, more or less exact, of the earlier. The brief restoration of the Roman Catholic religion, under King Philip and Queen Mary, produced two Colleges, on the site of two Colleges of Regulars which had been suppressed at the dissolution of Monasteries; Trinity College, founded by Sir Thomas Pope, and St. John's College, founded after the model of New College by Sir Thomas White, and bound to Merchant Taylors' School by a connexion in some respects resembling that of New College with Winchester.

TRINITY COLLEGE, 1555.

ST. JOHN'S COLLEGE, 1555.

Five Colleges have been founded since the final establishment of the Protestant religion under Queen Elizabeth. Of these, Jesus College, Wadham, and Pembroke, belong to the reign of that Sovereign and her two successors. In these Foundations the services of the Church of England are substituted for the Roman Catholic ritual, and the rule of life is partly, though not entirely, divested of its monastic character.

JESUS COLLEGE, 1571.

WADHAM COLLEGE, 1612.

PEMBROKE COLLEGE, 1624.

Worcester, the most recent of the existing Colleges, was founded at the close of the reign of Queen Anne. Hertford College, which was founded in 1740, languished for want of endowment, and expired at the commencement of this century.

WORCESTER COLLEGE, 1714.

HERTFORD COLLEGE, 1740.

It should be observed that three of the Colleges earliest in foundation are governed by codes of recent origin. Balliol and Exeter, established as we have seen in the thirteenth and fourteenth centuries, received their present Statutes, the first from Pope Julius II. in 1507, the second from Sir William Petre in 1566. University College, the oldest Foundation in Oxford, even if we disregard its claim to connexion with King Alfred, is governed by the very latest Code which exists in the University. That Code was issued by King George II. in 1726.

We have thus traced the growth of the Collegiate system—a growth in part indicated by the names which are, or have been, borne by these Foundations. The tenement, in which Scholars lived, was originally termed a "Hall." In the Statutes of Merton and Oriel, the name of "House" is applied. Then, as

the corporate character of these Societies rose into prominence, they were styled Colleges, from the term, which, in the purer days of the Latin language, signified what in later times was called Universitas, that is, an Incorporated Society or Body Politic. But the term Hall and College seem to be applied convertibly in some Statutes. Brasenose, for instance, bears in its Statutes the two-fold name of the King's Hall and College of Brasenose. At the present day, however, the word "College," in Oxford, is the exclusive appellation of all such Institutions.

CONSTITUENT PARTS OF COLLEGES.

We pass from considering the growth of the Collegiate system to the different elements of which each College was composed. These were, to speak generally, the Head and Fellows, to which were added, in later Colleges, what are now called the Scholars; and to these was in most cases appended, in still later times, a body of independent Members, called Commoners.

THE HEADS OF COLLEGES.

The Graduates who held the office of Principal in the Halls, and that of Guardian of their younger inmates were, as we have stated, chosen by the members of the Hall themselves. In like manner, Devorguilla, the wife of Balliol, placed the election of her Principal in her Scholars; but he was to be confirmed by her Procurators. At University Hall, which was to consist only of Masters, there seems to have been no Head at first, but subsequently the Senior exercised the functions of that office. In Colleges generally the election, according to the analogy of Monastic and Capitular bodies, was commonly placed in the hands of the Members of the Corporation at large. It is sometimes confined to the seniority; but that seniority is bound, in one or two instances, to choose one of several Candidates selected by the whole body, or at least, as at Merton, to hear the recommendation of those members who have no vote. At Merton and All Souls, where such rules exist, the Statutes further enjoin that the names selected shall be submitted to the Visitor of the College, who finally appoints the Head from among those whose names have thus been submitted to him. In most of the Colleges founded after Corpus Christi the Head is chosen by the whole body of Fellows. But the Crown appoints absolutely to the Deanery of Christchurch; and the Provost of Worcester is nominated by the Chancellor of the University, from among those who are or have been Fellows.

Wood's Colleges and Halls, p. 107.

Merton Coll. Stat. c. 33.

At Exeter, the Principal was elected for one year only, till the year 1566, when John Neale was made perpetual Rector. Walter de Merton assigned a permanent tenure in the Headship to the Warden of his House; though that officer was to be superseded when incapacitated by age or infirmity. He was, however, to be competently and decently supplied with necessary food and clothing in the House for the whole course of his life, among its venerable and meritorious brethren. A similar provision is found in several other Statutes. But, as a general rule, the Head of the College was to hold his office for life; and this is now universally the case.

The functions of the Heads are much the same in all Colleges, though they bear the various names of Master, Principal, Warden, Provost, Rector, President, or Dean. There is, however, considerable difference in the extent of their statutable powers, as also in those of the subordinate officers.

THE FELLOWS.

The duty of the Fellows, as such, was as we shall show more at length hereafter, not to teach, but to learn; hence the earliest name of this class. In the earlier Codes they are termed "Scholares," but afterwards "Socii," or "Fellows," the first designation indicating the original purpose of Founders, the second, their connexion with the community. So late as in the Statutes of Brasenose and of Corpus, the word "Scholares" is still applied to the Fellows; but ultimately, "Fellow" became the designation of the members of the permanent and governing body, while the term "Scholars" was appropriated to the members of the subordinate Foundations for younger Students, which, in some of the early and in most of the recent Colleges, have been appended to the governing body.

This leads us from the essential parts of a College—its Head and Fellows—to some other elements in these Collegiate Societies, which, though not essential to their existence, are too important to be overlooked.

THE SCHOLARS.

From the foundation of Magdalen College downwards, it became the custom to make two classes of members on the Foundation; the one consisting of Fellows, who, as a general rule, were to be Graduates at the time of their election, the other, of persons usually elected as Undergraduates. An approach to

this in the earlier Colleges is to be found in the institution of Poor Boys at Queen's. At Magdalen these junior members were called Semi-Communarii, or Demyes. The Demyships were wholly unconnected with the Fellowships; but the Scholarships were, in Colleges later than Magdalen, intended as nurseries to the Fellowships. The Post-Masters (Portionistæ) of Merton were a Foundation subsequent to that of the College, and were at first lodged in a separate Hall, under one of the Fellows, who was called "Principal of the "Post-Masters;" but they were ultimately received into the College as Scholars. The whole of these Undergraduate members of Foundations, including the poor Scholars of Balliol, the Poor Boys of Queen's, the Post-Masters of Merton, and the Demyes of Magdalen, together with the Scholarships which have been founded either by benefactors, as at Exeter and Lincoln, or by the Colleges themselves, as at Oriel and University, have now been placed nearly on the same footing, and are known by the general name of Scholars. The Scholars are now usually members of the Foundation, but are excluded from the administration of the College property and business, and from a share in elections.

SERVITORS.

In very early times, provision was made for some Studens of a different class from the members of the Foundation. Menial duties were not then regarded as they now are; and accordingly, in the Colleges of that period, were maintained youths intended to serve the Society, at the same time that they were receiving their own education. At Balliol, the ten Scholars, or "Scholastici," were also called "Servitores." They were to live on the broken meat from the Fellows' table, to wait on the Fellows, but they were to be instructed in grammar and plain song, to have time to pursue their studies like other Students, and to have a preference in elections to Fellowships. The poor boys of Queen's have been already mentioned. At Corpus Christi College, the Founder, who in his Statutes describes his College under the figure of a Hive, writes thus: "In order that the honey-bees may work within, and not "be called away to mean duties, we desire that there may be certain persons "free from honey-making, and devoted to other services. But if any of them "shall please to imitate the honey-bees, he shall deserve a double crown." It does not appear that this latter provision was ever carried out, but it well expresses the intention of most Founders to have in their Colleges persons who should be at once Students and servants. Servitors are now found, under that name, only at Christchurch, where they used within the last twenty years to bring the first dish into the Hall; but now, they differ from other Students of that Society in little, except in academic dress. In some other Colleges the class of Servitors are represented by Clerks or Bible-Clerks, of whom there are about forty in the University.

Ball. Coll. Stat. c. 16.

C. C. C. Stat. c. 17.

COMMONERS.

There are but few of the Colleges in which it was originally intended that any persons should be educated but members of the Foundation and their attendants. The four Masters, indeed, who were placed in a Hall by the University of Oxford, and maintained by the proceeds of the benefaction of William of Durham, and who thus became the nucleus of University College, were permitted to take in other Masters to share in the common expenses. Tradition relates that King Henry V., while Prince of Wales, was educated in Queen's College. Allusion is made in the Statutes of Magdalen College to the admission of Noblemen, at their own charges. At Brasenose permission is given to receive sons of Noblemen, not exceeding six in number. The last Statutes of Balliol, given in 1507, provide for the admission of "Extranei," who, as they were to be preferred to the Fellows in the assignment of rooms, must have been persons of rank and property. Thus far the independent members of Colleges were of the class now represented by Noblemen and some of the Gentleman-Commoners. It is in Jesus College first, so far as we can learn, that provision is made for the admission of Independent Members of various grades in society. Some are to live at the table of the Principal, others at the table of the Fellows, and others again at the table of the Scholars. We understand that, in the Statutes of Wadham and the last code of University College, permission is given to admit Commoners. In those of Pembroke, the encouragement given to them is much greater.

Smith's Annals. p. 41.

Magdalen Coll. Stat. c. 37.

Brasenose Coll. Stat. c. 8.

Ball. Coll. Stat. c. 39.

Jesus Coll. Stat. c. 14.

Pembroke Coll. Stat. c. 12.

All Souls, where there are no members but the Warden and Fellows, with Chaplains and Clerks, and Magdalen, which admits only Gentleman-Commoners besides the Members of the Foundation, would answer to the original idea of a College as embodied in the Statutes, if their Fellows were constantly

resident, assiduous in College and University Exercises, and observed a monastic rule.

Such being the growth of the Colleges, and the relation of their constituent parts, we now proceed to state their general characteristics.

Successive Benefactors discovered, as we have shown, that such Foundations as Colleges could be adapted to a considerable diversity of purposes. There are accordingly many variations in the Statutes of the several Founders; but these variations do not amount to an essential difference, and it is easy to give a definition of them which will be applicable to all of them. They may be defined as Charitable Foundations for the support of poor Scholars, with perpetual succession, devoting themselves to study and prayer, administering their own affairs, under the presidency of a Head within, and the control of a Visitor without, according to Statutes which were to be neither altered nor modified, and which were sanctioned by solemn oaths.

GENERAL DEFINITION. OF A COLLEGE.

We will now examine the several characteristics of the Colleges, as comprehended in this definition, and then inquire how far the present Colleges have retained the character which the Founders intended to be unalterable.

COLLEGES ELEEMOSYNARY FOUNDATIONS.

I. Colleges were intended originally to be, what they are still in the eye of the law, Eleëmosynary Foundations. They were designed to supply poor Students, so long as they were poor and so long as they were Students, but no longer, with a maintenance, decent and honest, as it is expressed in the Statutes of New College, but of a very frugal character. "In the year 1380," says Smith, the historian of University College, "Thomas Hatfield, Bishop of "Durham, endowed Durham College with a revenue of two hundred marks "per annum, for eight Monks and eight Secular Scholars; the first were "allowed ten pounds each, the latter five marks: so that the Monks were "allowed three times as much as the Seculars, and the Seculars at least a "mark more than the Founders allotted to the Fellows of any College in "Oxford, none at that time excepted; from whence we may learn how much "greater expense it cost the Founders to build and endow Abbeys than "Colleges."

Annals of University College, p. 375.

COLLEGES FOUNDED FROM MOTIVES OF CHARITY.

That the endowments of Colleges were designed for the poor is sufficiently plain from the language in which some of the Founders describe their motives. William of Wykeham states that, next to his kinsmen, "poor indigent clerks "are to be admitted, because Christ, among the works of mercy, hath com-"manded men to receive the poor into their houses and mercifully to comfort "the indigent." In Queen's and New College the Fellows are forbidden to keep dogs, on the ground that "to give to dogs the bread of the children of men is "not fitting for the poor, especially for those who live on alms." Those to be elected are defined in the several Colleges as "pauperes," "magis pauperes," "pauperes ex eleëmosynâ viventes," "pauperes et indigentes," "sustentatione "indigentes," "ex pauperioribus." Chichele gives as his motive for establishing a loan-fund on behalf of the members of his Foundation, "that, want playing "the step-dame to them, they who are best qualified for studies enslave them-"selves to the mechanical arts, and become truants to the ingenious sciences." It may be granted that such words were used when the nation at large was much poorer than it is now; but it may be presumed that in any age they must be applicable only to persons in needy circumstances. If it be objected that persons of the kindred of the Founders were, as such, connected with men of wealth and station, it may be replied that most of the Founders were men of humble origin, who had risen to high rank in the Church; and that by founding Colleges, they took, as some of themselves say in their Statutes, from their kinsmen what would, in the ordinary course of things, have been theirs, and so left them in poverty, and in need of such succour as a College offered. Gentle birth, indeed, as we intimated in a previous section of our Report, would have been no obstacle to admission on a Foundation, provided that the applicant was poor. But that poverty was held to be the indispensable condition, appears conclusively from the reproof addressed by Archbishop Peckham, the Visitor of Merton College, to that Society in the year 1284: "Ye ought only "to have received the indigent, as is shown in the eleventh chapter of the "Regulations, whence it appears that ye have no liberty to receive such as have "sufficient to provide for their own necessities, ... with their own means, or "such as are employed in any other business, or enjoy any situation which "brings them a competency."

New Coll. Stat. c. 2.

Queen's Coll. Stat. p. 15.

New Coll. Stat. c. 25.

All Souls Stat. c. 24.

Report, p. 39.

Perceval's Translation of the Merton Statutes, p. 60.

CHARACTER OF THE MAINTENANCE AFFORDED TO THE MEMBERS OF COLLEGES.

The eleëmosynary nature of Collegiate Foundations may further be discovered also from the small stipends assigned by the Statutes to the Fellows. Doubtless the position of the inmates of Colleges was greatly improved by their election, and they lived better than the poorer classes, or than menial servants, as is shown by the smaller stipends provided by College Statutes for the latter. But after making due allowance for the great change in the value of money, it will be found that the scale of maintenance was such as was suitable only for persons of moderate means.

Wood's Colleges and Halls, p. 74. Balliol Coll. Stat. (Sir Ph. Som. Stat. p. 17).

The original Fellows of John Balliol were allowed for their commons, or daily food, one penny on week days, and twopence on Sundays. Sir Philip Somerville, about sixty years after the Foundation of the College, raised the allowance for commons to elevenpence a-week for each of the Fellows. Two centuries later the Statutes issued under the authority of Pope Julius, prescribe that the Fellows, shall be allowed sixteenpence a-week for commons, together with twenty shillings and eightpence, as an annual salary.

Perceval's Translation of Merton Statutes, p. 57.

At Merton College the allowance of each Fellow is to be fifty shillings a-year for all his wants.

New Coll. Stat. c. 12. Ibid. c. 15.

At New College a great distinction is made between the kin and the non-kin Fellows. The former may be elected though they have twenty marks a-year; the latter must be poor indigent clerks, not having five marks a-year. But the allowance for commons is at the rate of twelvepence weekly for all alike in ordinary times. This sum appears to have been just sufficient for an "honest and due" maintenance, as the Founder speaks; for it was to rise gradually with the price of wheat, and that till it reached eighteenpence a-week, which was to be the allowance, in case wheat should sell for what was then the extraordinary price of two shillings a bushel. A similar provision is made in Queen's, Lincoln, Magdalen, Brasenose, and Corpus.

New Coll. Stat. c. 22.

The Fellows of New College are also to be supplied annually with cloth for a dress, more or less according to their size, and with six shillings and eightpence to pay for the making of it and for its fur trimmings. The necessary expenses at graduation are also to be discharged by the College, when the Fellow is too poor to pay them, and has no friend to assist him. The services of the domestics, of the persons who washed the clothes, of the clerks and choristers, who are in addition to their other duties to wait on the Fellows, are to be paid for out of the common funds. The kin Fellows, not having ten pounds a-year of their own, are to receive five marks for shoes, beds, and other necessaries. The Fellows in priests' orders are to divide forty marks a-year between them, but so that no one shall receive more than forty shillings a-year. The ordinary Fellows received nothing from the common goods of the College but what was strictly necessary for their support.

Brasenose Coll. Stat. c. 17.

Brasenose College received its Statutes in 1520, one hundred and thirty-six years later than the foundation of New College. Its Fellows are, when markets continue in their normal state, to have an allowance of twelvepence a-week for commons. The Principal is to have, in addition, a hundred shillings a-year. Property to the amount of four pounds a-year is to vacate the Fellowship.

These specimens will suffice to indicate the scale on which provision was made for the support of Fellows. It is difficult to find a satisfactory standard by which to measure the relative value, in ancient and modern times, of the sums specified in the Statutes. Attempts of this kind have indeed been made in past times. Bishop Thomas, the Visitor of Brasenose College, a hundred years ago, decreed that, wheat being at forty shillings a quarter, ten marks, or 6*l.* 13*s.* 4*d.*, the amount of property which is to vacate a Fellowship at Brasenose, is to be estimated at six times that amount, namely, at 40*l.* He follows the Chronicon Pretiosum of Bishop Fleetwood. But we shall not attempt a laborious inquiry of this nature, for we receive a much more lively impression than any calculations can produce of the intentions of Founders, and the condition of the objects of their bounty, from such considerations as are suggested by the statements contained in the Statutes.

App. Brasen. Coll. Stat. p. xxxvi.

New Coll. Stat. c. 15. Magd. Coll. Stat. c. 43. All Souls' Stat. c. 10. Worcester Coll. Stat. c. 20. Ward's Translation of All Souls' Statutes, p. 126.

The division of a surplus among the Head and Fellows is expressly forbidden in the Statutes of New College, Magdalen, All Souls, and Worcester. So late as 1609 Archbishop Bancroft speaks of the division of any part of the corn or money of All Souls' College among the Fellows, as "a fraudulent diverting "of the same from the behoof and profit of the College unto private uses, which "is the point principally forbidden in the Statutes." The Statutes of Merton,

Statutes of Merton, c. 25, Balliol, c. 10, Oriel, p. 2. Queen's, p. 12. Pembroke, c. 20.

Balliol, Oriel, Queen's, and Pembroke, provide that in case the revenues of the Society shall increase, the number of Fellows shall also be increased. Even where the number of members on the Foundation was fixed, it by no means follows that the Fellows were to divide a surplus. Wealth in monastic communities was not thought inconsistent with the poverty of its members individually. Nor would the rule of life have permitted a more costly style of living, however rich the body might have become. "Lautitia," say several Statutes, "clericos non decet." The Founders make provision for the disposal of any surplus which may exist; but they appear in many cases to have anticipated a diminution rather than an augmentation in the income of the Colleges. All enact or imply that a Fellow who can support himself shall leave the College; and their estimate of the sum necessary for that purpose is generally small, seldom exceeding the value of the allowances to a Fellow, and in Jesus College even falling short of it.

The intentions of Founders on this subject receive a forcible illustration from the language of the objurgatory Constitutions of Archbishop Peckham, Visitor of Merton College, to which we have already referred, and which were sent to that Society in 1284, only fourteen years after the date of the last Statutes of Walter De Merton. He says: "Furthermore, although in "the fourth chapter of the said Regulations, it is ordered that each Scholar be "satisfied with fifty shillings a-year for all his necessities, yet you have twisted "this regulation to your own desires; and what is worse, regardless of the "duties of gratitude and charity, and mindful only of your own advantage, "have taken no little more than the settled allowance, though the desires of "your founder were most express and urgent, not for an increase of the allow-"ance to existing Scholars, but for an increase in the number of Scholars; for "this he deemed expedient. This have ye not looked to, thus violating your "own oaths, as is evident from the seventh of the articles to which you have "sworn. But as you affirm that you have done this by our authority, by reason "that we, while making our transit among you some time since, yielded to "your importunities some relaxation for wood, straw, and the like, not suffi-"ciently considering the tenor of the law by which such relaxation is expressly "forbidden, this our concession we do, by these presents, totally revoke; for-"bidding you, under the penalty of sacrilege and perjury, to usurp from the "common funds, or to allow others to usurp, anything beyond what the ancient "regulations allowed to you. Some there are among you, who, desiring to "live more delicately than suits the poorer portion of the community, make "the modus of your expenditure notably to exceed that which your Founder "by rule appointed."

Perceval's Translation, ut s. p. 57.

The Colleges founded after the Reformation, so far as we can ascertain from those of their Statutes to which we have had access, appear to have partaken of this eleëmosynary character, though, of course, change of times led to a nominal augmentation of the emoluments of Fellows. Thus in Jesus College, of which the Statutes were given in 1622, the Fellows were to have 20*l.* a-year, that is, a little more than 9*s.* a-week, for all their emoluments. They also were forbidden to divide the fines. In Pembroke College, which was founded in 1629, the Fellows are to be "sustentatione indigentes," and the Scholars must be chosen respectively "ex pauperioribus consanguineis," "ex pauperibus natis in "urbe de Abingdon." There also they are to have 20*l.* a-year.

Jesus Coll. Stat. c. 7.

Pembroke Coll. Stat. c. 2.

THE COLLEGES COMMUNITIES UNDER A RULE OF LIFE.

II. Colleges were founded also for the purpose of affording to Students a home, in which they would be preserved from the turbulence and licentiousness which were, in ancient times, almost always prevalent in the University. Fellows of Colleges were to live together as members of a Community. To speak of a non-resident Fellow would have been deemed a contradiction in terms. Founders intended that each of their Fellows should be improved by all, through their daily intercourse; and looked for the security of their Institutions, in part at least, to the intimate union of all who partook of their bounty. "We desire, moreover," writes William of Wykeham, "that our Scholars, "occupied in diverse Sciences and Faculties may, by their intercourse with "each other, learn something new every day, and by continual advance "become better and better, that the spirit of the whole multitude tending to "the same end may be one, that through their praiseworthy conversation "pleasing to God, their hearts may be sooner and more warmly bound to "each other by the sweetness of mutual love; and that, through the Divine

New Coll. Stat. c. 1.

"mercy, our Colleges endowed with, and supported by, men of so many "sciences, may the more firmly and securely abide and continue, for ever, "in the beauty of peace." For men living in a community some rule of life is indispensable, and it was natural that something like the rule observed in well-ordered convents, in which novices and secular Students were educated, should be taken as a model for the government of Colleges. The rule of life was in the earliest Colleges comparatively simple. It included generally common meals, during which the Bible was to be read, and silence kept; the use in private, as well as in public, of the Latin tongue, for which in Oriel and Queen's French, in Corpus Greek, in Jesus College Greek or Hebrew, might be substituted; uniformity of dress; strict obedience to the Head and College Officers; terminal scrutinies for the purpose of inquiring into the life, morals, and progress in learning of the Fellows and other members of the College, and a system of surveillance to be carried on day and night by the seniors over the juniors. Three or four Fellows are to sleep in one room under the care of an older Fellow. In New College, All Souls, Magdalen, Corpus, and Brasenose, the rule extended to minute particulars concerning behaviour, manners, and dress; it dictated the private prayers of the Fellows, forbade them to go out of the College without a companion, and established a system of secret denunciation. Injunctions are also found against the admission of females, and against entering the houses of laymen, that is, inhabitants of the town. In the most recent Colleges many of these provisions, of course, disappear; but their regulations all retain monastic features, and a strict discipline is expected in them all. In all the Colleges, whatever be the date of their Foundation, and the particular character of their Statutes, regular residence is required. At Merton and Oriel it was ordered that a rateable deduction should be made from the stipend of all who were absent from the University, except on the business of the College. In other instances the number of days in the year during which the Fellow might be absent is limited, a power being reserved to the Head, either alone or in conjunction with other officers, of giving further leave of absence on extraordinary occasions. In several Colleges the number of Fellows who may be absent at the same time is strictly defined. Celibacy was expressly imposed on the Fellows of most Colleges. In some, as in Merton, Balliol, Queen's, Oriel, Lincoln, it was not expressly imposed; but in Balliol, Queen's, and Lincoln, where all the Fellows were required to take Priest's Orders, it was imposed by implication; and in all cases it was practically rendered necessary by the rule of life and the obligation of residence. The Heads were generally required to be in Priest's Orders, and thus they also were necessarily bound to celibacy. In other cases the hindrance to marriage imposed by the rule of life, and residence in College chambers, was probably as strong in regard of the Head as in regard of the Fellows. The Heads of Jesus and Wadham Colleges, which were founded after the Reformation, were expressly forbidden by their Statutes to marry.

See Fosbroke's British Monachism, pp. 177, 181, 182.

III. The purposes for which the indigent Students were thus formed into a community may be stated generally in the words of the older Jurists quoted by Blackstone, to be "ad orandum et studendum." The first purpose was that the Fellows should offer prayer on behalf of the living and the dead. By enjoining such prayers the Founders were enabled to combine with their other purposes the object for the sake of which endowments had been hitherto bestowed on religious houses, and which more than any other seems to have had the power of inducing men to part with their possessions, or to alienate them from their heirs. In Balliol the Fellows or "Scholars" were not to continue for many years on the Foundation, and, therefore, could not become Priests during the tenure of their Fellowships; but they were bound to pray for their benefactors and others, and "to procure" three masses to be said annually for the soul of John Balliol, Devorguilla, and others. But in the other Colleges, up to the Reformation, and in Balliol when it became truly a College, this office was to be performed by persons on the Foundation; and the Fellows are generally directed to pray for certain benefactors. In almost all there were to be solemn obsequies. All Souls, as we have already observed, is a Chantry, as well as a College; and its poor and indigent Scholars are all bound "not so much to "ply therein the various arts and sciences, as to pray for the souls of Henry "the Fifth, of Thomas Duke of Clarence, and all the souls of those whom "the havoc of the warfare so long prevailing between the realms of France "and England had drenched with the bowl of bitter deaths, and for all departed

COLLEGES AS FOUNDED FOR RELIGIOUS PURPOSES.

Wood's Colleges and Halls, p. 75.

"souls." The solemn and constant celebration of Divine Service, with a full attendance of Members of the College, according to the Roman Catholic ritual, was evidently an essential object with Roman Catholic Founders. In New College, Magdalen, All Souls, and Corpus, a number of special services and processions were prescribed. By the Statutes of Pembroke, Worcester, University, and Jesus Colleges, Protestant services are substituted, on which attendance twice a day is enjoined.

COLLEGES INSTITUTED FOR STUDY.

IV. The second and most important object of Colleges was, as Blackstone states, "ad studendum." Like hospitals, they were eleëmosynary, and, like monasteries, subject to a rule of life; but they differed from both, in that neither charity nor discipline were the main purposes of the Foundation, but means only to another end. Each Fellow was bound by the Statutes of his College, after completing his course in Arts to proceed in one of the superior Faculties, generally that of Theology; a few exceptions were made in favour of Civil or Canon Law, a still smaller number in favour of Medicine, and two at New College in favour of Astronomy. This course involved a diligent attendance on the Public Lectures, and the frequent performance of Exercises in the Schools of the University. In the earliest Colleges nothing more is required in this respect. It was not intended, at the first at least, that they should be, what all Colleges are often called now, and what we have seen that they were called more than two centuries ago, Universities, that is, places in which the Student was to receive his whole Academical Education; but they were founded in order to afford a home and sustenance to poor Students while attending the public Teaching of the University, and performing the Exercises which it prescribed. To receive, then, and not to give instruction was the business of the Fellows of Colleges. The Founder of Queen's has expressly declared that he intends by his benefaction to relieve his Fellows from the necessity of teaching. A system of Exercises was introduced by Statute at Queen's; it assumed importance in New College and the subsequent Foundations, and it was also adopted in those in which it was not imposed by Statute. In Lincoln College the Founder declares that it is his wish "above all things" that these exercises should be observed for ever. These exercises consisted of disputations performed in the College Halls, several times each week, by seniors and juniors, on the subjects which they were respectively bound to study. They were similar to those performed in the University, and probably preparatory to them; and Deans, or Moderators, analogous to the University Deans of Arts and Faculties, were appointed to preside over them. A regular establishment of instructors was not originally provided in the earliest Colleges; but Lecturers were in course of time introduced in all, and ultimately to such an extent that there was little necessity for the Students to attend the University Lectures. At New College a sum not exceeding one hundred shillings, yearly, was ordered by the Statutes to be paid to certain of the senior Fellows for instructing the juniors. Very complete establishments of Teachers were, as we have before stated, to be provided from the first in some of the later Colleges, and, for the most part, paid out of the funds of the Foundation. In Magdalen and Corpus an attempt was made to relieve not only the members of the College from the expense of teachers, but also the Students of the University at large. But in all Colleges, even in those which aimed at supplying instruction to the University, the great majority of the Fellows were intended to devote their life to study, and not to engage in teaching either in the College or in the University.

Queen's Coll. Stat. p. 13.

Lincoln Coll. Stat. c. 3.

New Coll. Stat. c. 28.

Magd. Coll. Stat. c. 27.

C. C. C. Stat. c. 21.

CONDITIONS OF ELIGIBILITY TO FELLOWSHIPS.

V. The bodies thus established being intended to exist in perpetuity, the Statutes make various provisions by which their numbers are to be recruited. The condition and character of the persons who are to be admitted to the benefits of the Foundation are the subject of precise regulations in all the Statutes. Poverty is insisted upon, as we have seen, in almost every case as an indispensable qualification. Good moral character and aptitude for study, or for the peculiar studies intended to be pursued, are everywhere required. It is on this aptitude, rather than on intellectual or literary superiority, that the Founders lay stress; as would naturally be expected in the case of persons who were to be maintained for the purpose of studying; and it is observable that at Jesus College this is the very qualification which is demanded from the independent Members or Commoners. The views of Founders in this respect, as regards the required qualifications, are expressed in such phrases as "competenter instructi in Grammaticâ;" "in Grammaticâ et plano cantu sufficienter

POVERTY.

CHARACTER.

ABILITY TO LEARN.

Jesus Coll. Stat. c. 14.

"docti;" "ad profectum habiles;" "ad profectum in Theologia aptiores;" "pro "ætate sufficienter docti;" "de aptioribus et habilioribus qui in Universitate repe- "riri poterunt, habita semper ratione Diocesium." The intellectual proficiency of Candidates could not be regarded by Founders as it now is in the Colleges which are desirous of obtaining a great reputation. Archbishop Peckham who cannot but have rightly apprehended the spirit of the Statutes of Walter De Merton, in the 12th Chapter of his Ordinances, thus reprimands the Fellows:—"Contrary "to the intention of those Regulations, ye are unwilling to admit [that is, as "Fellows] youths likely to advance in knowledge, but only those who are "already far advanced, which is clearly contrary to the terms laid down in the "eleventh chapter; since, as is shewn above, ye ought even to admit those who "are learning grammar." Accordingly it was not by competition that the fitness of a Fellow was to be tested; but the selection in the first instance seems to have been left to the discretion of the College; and the competency of the new member was afterwards tested by a period of probation, varying in length from six months to two years. "At the time," says Walter De Merton in his Statutes, "when the Scholars become Candidates for admission "into the Society, a gratuitous support of one year is to be allowed them in the "first instance, that in case they fairly make good the above-mentioned qualifi- "cations, they may eventually be admitted into the body." When he speaks of the course to be followed when the period of probation is over, he says, "they are to be admitted on the clear testimony of persons worthy of "belief who have taken notice of their life and conduct; the gratuitous support "which they previously enjoyed being granted them in the House itself, if there "be no question about the qualifications and it seem expedient." The only approach to a modern system of examination is in the elections prescribed at Winchester preparatory to New College. It may be noticed that Latin composition is required from the Scholars of Corpus. It is evident from the language of some Statutes that Fellows were elected without their knowledge, and at a distance. The Examination which, as the Warden of All Souls informs us, is still in force in that College is prescribed not by the Statutes, but by a subsequent injunction of Archbishop Whitgift. But the mode in which the moral and social qualifications of the Fellows of All Souls, as described in the same Evidence, is now ascertained, probably resembles that by which all qualifications, intellectual as well as moral, were ascertained in former times in all Colleges.

See above, p. 138.

Perceval, ut s. p. 54.

c. 13.

c. 21.

C. C. C. Stat. c. 9.

Evidence, p. 329.

Ibid. p. 329.

PREFERENCE ON ACCOUNT OF PARENTAGE OR LOCALITY.

It is not surprising that with these views as to the qualifications of Fellows, Founders should have given a preference to particular schools, parishes, counties, or families. Some Fellowships are confined to persons of the blood or the name of the Founder. Many benefactors have ordered that their own kinsmen, if poor, should be preferred to all others; and after them those who had been born in their own diocese, county, or parish; and next, those who were born in the places where the College had secular or ecclesiastical property. It was presumed that poor persons with sufficient capacity to receive instruction could be obtained in this as well as in any other way.

MOTIVES OF SUCH PREFERENCE.

The motives for these various preferences are sometimes assigned by Founders. Walter De Merton states, "that among those who are to be admitted and to "receive the gratuitous support, those persons who are of his own kin are to be "chief and first, because of the succession which, by the custom of the realm, "is their due in his fee simple estates; and next to them are to come the "persons who are from the Diocese of Winchester, and from other dioceses "and other places where the benefices or estates in fee, and the other places "appointed for the support of the College, are situated." Wykeham expresses himself in a similar manner. The Founder of Queen's gives a preference to natives of Cumberland and Westmoreland, because of the condition of his native county, then wasted by border warfare. In Lincoln College the diocese of the same name is preferred, because Rotheram, the second great benefactor, and the framer of the Statutes, saw "non sine stupore cordis," that though the University of Oxford was situated within it, few or none of those born in that diocese were elected Fellows of Colleges; and he protests that he makes this regulation, not because he is "blinded by the flesh," but because "omnium pace," he wishes to obviate the evils of this blindness in others. In like manner some Founders might even have regarded such restrictions as likely to obviate personal predilections on the part of electors. This may perhaps be

Merton Coll. Stat. c. 13.

New Coll. Stat. c. 2.

Queen's College Stat. p. 9.

Lincoln Coll. Stat. c. 1.

inferred from the reproaches addressed by Archbishop Peckham to the Fellows of Merton in the following passage: "Furthermore, since ye ought, according
Perceval, ut s. p. 61. "to the thirteenth chapter of the Regulations, to receive in preference to others, "those born in the dioceses wherein are situate the benefices and lands by "which ye live, we do suspend you from the choice of any more scholars "until ye have received, in sufficient numbers, boys of the family of your "Founder who may be found fitting; and until ye have received, accord- "ing to the Regulations, Scholars from the dioceses of Winchester and Can- "terbury, according to the number of the benefices, and extent of the lands "which ye hold in those dioceses; and ye are to know that in future, if ye "act otherwise, we shall take care that all fruits from those dioceses be "withdrawn from you, until ye obey the Regulations. And this form we "require to be observed in all future times, reserving, however, to ourselves, "the power of proceeding against you, according to the Canon law, in some "other way, unless ye return to obedience." When much was left to the discretion of the College, positive regulations of any kind might in corrupt times be a useful check. It is said that in the last century the open Foundation of Balliol was among the worst in Oxford, because the absence of all restrictions only opened a wider field to the distribution of personal favours; and it has been said also that in Magdalen College similar abuses existed in regard to the open Fellowships annexed by the Founder to his public Lectureships.

Peacock's Observations on the Statutes, p. 29. Dean Peacock observes, that the allocation of Fellowships in a College to natives of different districts was sometimes intended to prevent "Colleges from being "turned into clans" by any single local interest which might have once obtained temporary possession. Thus at Trinity College Sir Thomas Pope forbids more than two natives of the same county to be Fellows at the same time. The local

Compare Evidence of Mr. Freeman, p 141.

Chandler's Waynflete, pp. 192, 193. restrictions of Waynflete "were probably intended," says his biographer, "to "preclude a partiality similar to that at Cambridge of Millington, the first "Provost of King's College, which Waynflete had condemned and combatted; "and from which, if not guarded against, he was fearful that his munificence "instead of being widely diffusive would be contracted and confined within a "narrow boundary." Limitations to Schools seem to have been made, partly that the Scholars might be sent up well taught in grammar, and so better able to profit by the higher instruction of the University; partly that the Schools might be stimulated to exertion.

COLLEGES UNDER THE CONTROL OF VISITORS. VI. The Founders of Colleges sought to secure the perpetual observance of their Statutes by placing them under the protection of some great personage, otherwise unconnected with the College, who bore the name of Visitor. The Visitors are empowered, and in some cases earnestly entreated, to inspect the Societies committed to their care from time to time, and to reform all abuses. A provision for their expenses is made by some Founders. They are also invested with authority to redress grievances on the complaint of individuals injured, and to resolve doubts as to the meaning of Statutes. All appeals, except to the Visitor, and all legal remedies against the College, are often expressly denied to its members by the Statutes; and a renunciation of such remedies was sometimes included in the oath at admission. The Visitors have no authority to repeal or to alter any Statutes, with or without the consent of the College. Nowhere is provision made for any change; and there are many provisions against any attempts of the kind. The power of interpretation, and of sanctioning regulations for cases not foreseen by the Statutes, is all in this respect that was intended to be left by Founders to the Visitor. They reserve to themselves personally the power of abrogation and modification, and expressly

Lincoln Coll. Stat. c. 1. deny it to every one else. "These Statutes we impose," says Archbishop Rotheram, the second Founder of Lincoln, "both on the Rector and Fellows, "and their successors, to be observed for ever, reserving to ourselves the "power of amending, changing, correcting, increasing, diminishing, and con- "ceding more; and to ourselves and our successors that of explaining in "doubtful cases." Courts of law have long declined to interfere when a Visitor has decided on a question within his jurisdiction, and, if he unduly refuses to hear complaints, a mandamus is issued to him to exercise his office.

PRESENT STATE OF COLLEGES COMPARED WITH THEIR STATUTABLE CONDITION. Such, then, so far as we can learn, is the character of Colleges in general as it was conceived by Founders and prescribed in their Statutes. If we look to their present condition we shall find that great deviations have taken place

from the intentions of the Founders in every one of the points which they would have considered most important, and that the regulations framed by them for carrying out these intentions are, for the most part, neither fulfilled, nor capable of being fulfilled.

COLLEGES NO LONGER ELEEMOSYNARY.

I. Colleges are no longer eleëmosynary. The Statutes, as we have seen, confirm the assertion of the Visitors of King Edward VI., in their injunctions to All Souls' College, that "Colleges were erected for the children of the "poor." Founders intended to provide only for those who could not obtain a subsistence without forsaking their Studies. Few of those who now resort to Oxford, are of this kind. Beneficed clergymen, men of official station, gentlemen of considerable though it may be not landed fortune, barristers in good practice, masters of large schools, and many whose parents are rich, have within our own experience been in receipt of emoluments from the foundations of Colleges. The connexion of such persons with their respective Societies may be beneficial to both; but it is certainly not consistent with the Statutes.

Ward's Translation of All Souls' Stat. p. 202.

Nowhere has the number of Fellows been increased as the revenues of the several Societies have increased. In some Colleges it has been diminished. A surplus, sometimes a very large surplus, in money, is divided between the Head and the Fellows, in addition to the allowance for food and clothing which is their statutable right; and this dividend forms the principal portion of their emoluments. It has been ruled that no amount whatever of income arising from personal property is to be taken into account for vacating a Fellowship. Fellowships are indeed held to be rendered vacant by the acceptance of benefices which exceed a certain limit. In some Colleges the limit fixed, is the actual average amount of the Fellowship. In other Colleges the living is estimated not according to its present income, but as valued in the books of King Henry VIII., or even in the earlier "Valor" of Pope Nicholas; and, thus, livings of considerable value are sometimes held with Fellowships. The average value of Fellowships is not greater than in our times it ought to be, yet there are some Fellowships which cannot be estimated at less than 500*l.* a-year, and which are therefore unnecessarily large.

The restriction of Scholarships to poor and indigent persons has also ceased to be observed. Few Students strictly answering to that description, as we before said, would now be able without large assistance to support themselves during the residence necessary for the attainment of the Degree of B.A. Attempts to distinguish between the circumstances of Candidates are sometimes made, but rather by individuals than by Colleges. In some Colleges perhaps a very rich person would be refused permission to stand if he should seek it; but poverty, even as denoting the condition of persons who could not without assistance live in the manner usual in Oxford, is rarely a determining motive in elections. Some few Bible Clerkships and Exhibitions are given away in consideration of the poverty of the applicants; but even these are used in many cases rather for securing youths of talent than for supporting those of slender means.

So late as the beginning of the seventeenth century, Colleges, if they did not regard poverty or merit in disposing of their Fellowships and Scholarships, yet did in some measure encourage the poor to resort to Oxford, by receiving Servitors or Batellers in large numbers, and boarding, lodging, and instructing them, at very low rates. The Colleges had by that time absorbed most of the ancient Halls; all members of the University were compelled by Statute to connect themselves with some College or Collegiate Hall; but the Colleges prevented the effects of this change from being felt by individuals, and they kept up a sufficient supply of clergy who were, even at that time, recruited to a considerable extent from the poorer classes, by offering a maintenance as cheap as could possibly have been obtained. In the year 1616, sixteen Colleges educated between 400 and 500 poor Students. Of these, 86 were educated in Magdalen College, 18 in New College, and 31 in All Souls;—Societies, which now admit but few Undergraduates of any kind. The rooms of Colleges which receive independent members are, at present, let to such members at a rent, which is not high indeed, but which serves to increase the income of the several Societies materially.

Gutch's Collectanea Curiosa, vol. i. p. 196.

COLLEGES NO LONGER COMMUNITIES NOR UNDER A RULE OF LIFE.

II. Fellows of Colleges are no longer bound to live as members of a Community subject to a rigid rule of life. They are never brought together, except at Elections, and on other rare occasions. Residence, which Founders

looked upon as essential for all the purposes of a College, is required of none but Probationer Fellows in the first year, and that not universally. Those who live in Oxford, with few exceptions, do so because they find profitable employment there as Tutors or College officers. Two-thirds of the Fellows pass their life at a distance from the University, and employ themselves as parochial ministers, as schoolmasters or tutors, as students of law or medicine, as literary or scientific men, or have no occupation at all. Not even the form of requesting permission to be absent is always observed. The residents dine together in the hall with more or less regularity, and meet in a common room afterwards, and so far form a society. But the rule of life, dress, and manners prescribed by the Statutes is nowhere observed. The Fellows have emancipated themselves altogether from the control of the College officers. Marriage indeed is always followed by its statutable forfeiture of a Fellowship; but the same rule is not applied to the Heads of several of the Colleges, though of old they were bound to celibacy in the same manner as the Fellows. The Warden of Wadham College has been relieved from the statutable obligation of celibacy by Act of Parliament; and the Principal of Jesus College, who at his admission is bound to swear that he will not marry, is released from taking that oath by his Visitor. The Heads and Fellows of Colleges now live much like other gentlemen. The former originally occupied College rooms; and in the old Foundations at least, generally the Tower room over the gateway was reserved for them; now they are all provided with residences suitable for a family.

COLLEGES NO LONGER FULFIL THE SPECIAL RELIGIOUS PURPOSES OF FOUNDERS.

III. It is almost needless to observe that, since the Reformation, the Legislature has prohibited what was, perhaps, not the chief purpose of Founders, but what was one of great importance in their eyes. Masses and prayers for the dead have not been said in the Colleges since the days of Queen Elizabeth. The processions and frequent ceremonies have passed away. The services of the Church of England have, in obedience to the law, been substituted everywhere for those of the Roman Catholic Church; and attendance, though not the statutable attendance, is enforced on those members of Colleges who are in a state of pupillage.

COLLEGES NO LONGER PLACES OF STUDY IN THE SENSE OF THE FOUNDERS.

IV. The main object of the endowment of Colleges, which was, as we have already stated, to support persons actually engaged in Study, has been almost entirely set aside. The number of Fellows who reside for the purpose of Study is very small. In the present day there is only a small fraction of College revenues which can be properly said to be devoted to Students; that fraction, namely, which is paid to Undergraduate-Fellows, and to Scholars or Exhibitioners. Fellowships are now, for the most part, obtained only when the Degree of B.A. has been taken, that is, when the Course of Study has been completed, and the successful candidate is probably about to leave the University. It is true that many actual Students are educated in the Colleges; but they are educated, with a few exceptions, at their own expense, and, so far from being supported by the Foundations of Oxford, they serve to increase the income of the governing body of such Foundations. We allude of course to the practice which now prevails in almost all the Colleges of admitting Commoners. It is needless to state that this innovation was a great benefit, and that on the education of Commoners now depends the character of many Colleges, a considerable part of their income, the principal emoluments of their Fellows as Tutors, the residence of most of those who do reside, and probably, the present existence both of the societies which do, and of those which do not, render services of this kind to the University and the country. But this practice, now so important to the whole Collegiate system, although never forbidden, is seldom mentioned, and never enjoined in the Statutes. Nor can it be said that the endowments of the Colleges contribute in any essential degree towards the support or instruction of the great mass of Students. In fact, one-eighth of the Undergraduates are members of Halls which have no possessions worth naming beyond their buildings, and the sites on which those buildings stand. The independent members there keep up the fabric, support the Head, the Tutor or Tutors, and a complete staff of servants, and yet have to pay but little more in any Hall, and less in one of them, than Commoners pay in the most richly endowed Colleges. Magdalen Hall has one hundred and fifteen Undergraduates; Magdalen College, of which it is an offshoot, and which is pre-eminent for its wealth, educates scarcely more than fifteen.

STATUTABLE PREFERENCES GENERALLY, BUT NOT UNIVERSALLY REGARDED.

V. It must be admitted that in the election of Fellows, a matter in which personal interest is watchful, Colleges have generally adhered to the directions

which limit their choice. There have, however, been important deviations from positive enactments. The preference assigned to Founder's kin at Merton, has, for whatever cause, ceased to be claimed; and at Queen's has been long disregarded. Two only of the kindred of William of Wykeham are in each year placed at the head of the list of names for New College, though the Founder gives to all his kin, if they be competently taught in grammar, a preference over all others, "per viam specialis prærogativæ;" and that, so far as appears from the Statutes, whether they have been educated at Winchester or not. Indeed it appears that in the fourteenth and fifteenth centuries there were three cases of persons thus admitted without having passed through the School.

Appeal to Bishop of Winchester, by Rev. Augustus Hare, Oxford, 1831.

VI. The Visitors of Colleges have long ceased to inquire into the condition of the communities committed to their care, and the observance of the Statutes. Bishop Fox, the Founder of Corpus, desires that the Bishop of Winchester shall "watch," as he says, that "our Statutes and Observances may be kept, "the virtues and sciences fostered, our possessions, spiritual and temporal "goods, flourish in prosperity, and our rights, liberties, and privileges be "defended and protected. And every five years, whether invited or not, he "is to visit the College for the purpose of correction of abuses. We also "charge before the Most High, as grievously as we may, the consciences "of the Reverend Fathers, the Bishops of Winchester, and exhort and im- "plore them, in the bowels of our Lord Jesus Christ, that . . . . . they "earnestly exercise the office of inquiry, correction, and reformation, and "perform it faithfully in all things, as they would render an account in this "case before God at his last judgment." According to the provisions of other Statutes, a somewhat similar injunction to visit at stated intervals for the general supervision of the College is laid upon Visitors. The duty thus enjoined has long fallen into disuse. Had it been possible to exercise such a vigilant supervision as that of which Bishop Fox speaks, reform would not now be so difficult. No Visitors, indeed, however vigorous, however attached to the past, could have enforced adherence to many provisions totally unsuited to the times; their efforts would have been as unavailing as the solemn injunctions of Founders, and the oaths by which Founders have bound the recipients of their benefactions. They could not have compelled Fellows and Scholars to perform exercises which have become worthless, or to live at all times exactly as men lived in the fourteenth century. But they must have acted; and they would probably have been compelled to seek for power to adapt the Statutes to the wants of each successive age.

VISITATORIAL POWERS LITTLE EXERCISED.

C. C. C. Stat., c. 53.

In two of its branches only is the Visitatorial power still exercised.

Of these, the most important is one which no Visitor has been suffered to forego; that, namely, which relates to the determination of appeals from parties who have felt themselves aggrieved. Whatever touches the immediate interest of individuals, has been zealously defended; and, accordingly, the personal and local rights involved in the mode of election to Fellowships, or the powers of superiors and the rights of subordinates, and the obligation to take orders, to remain in celibacy, to proceed to the superior Degrees, are regulated, to a great extent, according to the provisions of the Statutes.

The other branch of the Visitor's jurisdiction which is still in force is the power, conceded by most Founders, of interpreting doubtful passages in the Statutes. This power was often called forth in early times, and has occasionally been exercised in later times, though in many instances scarcely in the sense in which it was given. Many of the Decrees thus issued appear to go much beyond the authority confided to Visitors, and to be not explanations of what is obscure, but abrogations of what is plain. Thus Archbishop Laud, when he allowed the Warden and Fellows of Merton to divide a part of the surplus, sanctioned what Archbishop Bancroft had characterised, a few years before, in reference to the analogous Statutes of All Souls, as "directly against "the intent of the Statute, and a fraudulent diverting of the same from the "behoof and profit of the College, unto private uses, which is the point prin- "cipally forbidden in the Statutes." Thus Bishop Morley, in 1667, permitted the Fellows of Corpus Christi College to accept the office of Proctor, which the Founder had forbidden them to take, "under pain of perjury thereby to be "incurred, and also of removal for ever from the College." In like manner, Visitors of these, or other Colleges, have virtually repealed Statutes which

Perceval's Transl. of Merton Statutes, p. 87.

Ward's Translation of All Souls Stat. p. 126.

App. to C. C. C. Stat., p. 124. Injunction, 1667, on c. 26.

require residence and Holy Orders, which forbid the holding of benefices at a distance from the University, which require the Fellows to resign their Fellowships when they have the means of supporting themselves without them, and which give a paramount preference to the kindred of Founders. We may instance the decision of Bishop Cooper at New College in 1570, "that "there should not be more than eighteen reputed kinsmen at any one time "in the Colleges of New College and Winton," and that of Archbishop Cornwallis at All Souls in 1777, "that there need not in that College be more "than ten Fellows admitted on such claim," when according to the Statute the Founder's kin, if qualified, might fill all the Fellowships. We do not question the convenience of these Decrees in themselves; but we cannot think that the Visitors have in such cases confined themselves within the limits of their statutable power. The Founders of Colleges do not appear to have had any misgivings as to the unchangeable fitness of their injunctions; and they were careful only to secure them from being tampered with.

Appeal to the Bishop of Winchester, by the Rev. Augustus Hare, p. 112. Oxford 1831.

SUMMARY OF THE FOREGOING STATEMENTS.

We have seen, then, how almost all the enactments by which Founders of Colleges intended to secure the promotion of religion and education have been superseded, except where the vigilance of personal interest has caused them to be observed. In almost all the points connected with the Eleëmosynary Character of Colleges, with their Rule of life, with their prescribed Studies, with their Religious Services, with their relation to the University, the Statutes, are disregarded; and the Visitors, so far from preventing, have even contributed to, their disuse. It must be added, that no attempt has been made to obtain the aid of the Legislature, to correct what was wrong, or to render lawful what was in itself right though unstatutable, or to save the paramount objects of Founders when they were endangered by the retention of what was in itself of little value.

Compare Peacock's Observations on the Statutes of Cambridge, pp. 60, 121.

QUESTION AS TO POSSIBILITY OF ALTERING STATUTES.

The question which naturally arises on reviewing this contrast between the statutable obligations and the practice of the Colleges is, whether they possess any power of altering regulations which have thus been habitually disregarded for centuries, and which must continue to be disregarded.

OBSTACLE PRESENTED BY THE OATHS EXACTED FROM ALL MEMBERS ON THE FOUNDATIONS OF COLLEGES.

In approaching this question, we must observe that the Head and Fellows of all Colleges are bound to the inviolable observance of all these Statutes by Oaths, increasing in stringency and solemnity in proportion as the Statutes become more minute, and less capable of being observed.

In the earlier Colleges the Oaths are comparatively simple, but from the time of Wykeham they become very elaborate. The Oath imposed upon the Fellows of New College fills more than three closely-printed octavo pages; that of the Warden no less than five. The following clauses of the Oath refer to the observance of Statutes. They are found almost in the same words in the Codes of Magdalen and Corpus. "I will inviolably maintain,

New Coll. Stat., c. 9.

"execute, and observe, and will cause to be maintained, executed and "observed by others . . . . all and singular, the Ordinances and Statutes of "the said College of the Blessed Mary at Oxford, and also of the College "of the Blessed Mary near Winchester, that have been put forth, and shall be "put forth, by the said Reverend Father, Lord William of Wykeham, Founder "of the said Colleges, so far as they concern myself, according to the literal "and grammatical sense and meaning of the same. In like manner that I "will in no wise entertain any other Statutes or Ordinances, Interpretations, "Changes, Injunctions, Declarations, Expositions, or any other glosses, anywise "repugnant to the present Ordinances and Statutes, or to the true sense and "meaning of the same, derogatory therefrom, or contrary thereto, which shall "be made by any other person than the said Reverend Father, William of "Wykeham, the Founder aforesaid, nor will I consent to such, nor in any "manner acknowledge them, nor obey them at any time, nor take notice of "them, nor in any way use them, or any one of them, in the College aforesaid, "or abroad, directly or indirectly." The Founder of Magdalen has shown how minute and literal was the observance to which he intended to bind the Members of his Society by oath: "Lest subtle contrivance should deal with our "present Regulations, or fraud grow up hereafter, in the case of our Ordinances "and Statutes, as we have seen it happen in very many others, we ordain and "enact, under the pain of anathema, and the wrath of the Almighty God,

Magd. Coll. Stat., c. 52.

"that no one of the Scholars or Fellows of our said College do maintain, con-
"strue, or defend, out of wilfulness, for hatred, or other cause or occasion
"whatsoever, any particle thereof under the influence of a sinister interpre-
"tation, foreign to the scope of our intention as aforesaid, or by persuasion of
"any colour, cunning, or device, or on any occasion given, contained, or sought
"after."

From what has been said above, it will be sufficiently clear that these Oaths are wholly ineffectual to secure an observance of Statutes, which are not, and cannot be obeyed in the letter, and often are not, and ought not to be obeyed in the spirit. It is true that considerable departure from the Statutes is justified by common sense, by the law of the land, and by the custom of centuries. But the retention of Oaths, imposed for the very purpose of preventing such departure, must be regarded as an evil so great, so foreign to the spirit of our age and laws, so distressing to many conscientious men, and in a place of education so mischievous, that morality as well as convenience joins in demanding the aid of the Legislature for an immediate abolition of this sanction, which now serves only as an excuse for resisting inquiry respecting the breach of those Statutes which it was meant to preserve unbroken.

It must be remembered that these Oaths are relics of a time when it was thought that men might be terrified into a superstitious obedience, whose consciences were not to be trusted to secure the performance of their duty. They were also imposed in an age when, as the Preface to the Laudian Code, in quaint but expressive language reminds us, the obligations to observe them might be dispensed with by ecclesiastical authority. "Probably "no great exertion was requisite on the part of the men of that age to "disembarass themselves of the nets and toils of Statutes, inasmuch as they "had at hand a cheap and easy remedy, and the sanctuary of innocence "would open at their bidding; seeing that in those days the Pope superseded "innocence, by the courtesy and kindness with which he indulged impunity "to sin — the Tiber succeeded to the Jordan for the cleansing from all the "leprous guilt contracted by the constant obligation to commit perjury." "In 1511," writes Anthony Wood, and "several ages before, it was a common "thing for the Chancellor graciously to give licence to all Regents 'ut "'eligerent sibi confessores idoneos ut eos absolverent ab omnibus delictis "'perpetratis,' of which the chief was perjury." This state of feeling has passed away; but Oaths have survived. Those to observe the Statutes of the University were removed in 1838 by the University itself; but the members of the foundations of Colleges are still sworn to observe their Statutes, and these Oaths must continue to be exacted till the Legislature interferes.

Preface to the Oxford University Statutes.

It would not be sufficient to pass an Act enabling Colleges to abandon the imposition of Oaths; for the Statutes bind the Head to require them, and the Fellows and Scholars to take them. These Statutes all existing Heads have sworn to observe, and many would probably refuse to avail themselves of such a permission. We are therefore of opinion that no time should be lost in prohibiting the imposition of Promissory Oaths in Colleges as in all cases unlawful. Indeed any attempt in modern times to impose upon men Oaths or declarations intended to prevent the alteration of Statutes by lawful authority would be disallowed as contrary to public policy.

RECOMMENDATION TO PROHIBIT THE OATHS AS UNLAWFUL, AND TO ALTER OBSOLETE STATUTES.

Nor would the abolition of such oaths be sufficient. It would not relieve the Colleges from the burden of their unalterable Statutes, even though no declaration to keep the Statutes should be substituted for the oaths; since the acceptance of a place in a Foundation in which the Statutes remained unrepealed, would be regarded by many as implying an obligation to keep them. All obsolete and impracticable enactments in the Statutes should be annulled; and it should be rendered possible for Colleges to bring their practice into harmony with their laws. If this were done, there would indeed remain but small portion of the present Codes; nothing, perhaps, but what is necessary to hold together and to perpetuate each Corporation. But no Statutes are really required, except those which define its constitution and government, the rights and duties of its members and officers, the mode in which vacancies are to be filled up, and the causes which are to produce such vacancies. Christchurch has existed from the time of its foundation without any Statutes at all.

The Preface to the present Statutes of Balliol College, given to it by Pope

Julius II., well expresses the necessity for alteration, in language which is equally applicable to all Colleges in all times. "We do not issue these Statutes "because none previous have been issued—for in fact this is the fourth code "promulgated—but because those Statutes framed up to this time have, by "change of times and men, after the fashion of human affairs, reached that "point, that what in the beginning brought to the framers profit and use, "afterwards in the course of time brought loss and the greatest mischiefs."

Ball. Coll. Stat. c. 2.

COLLEGES GENERALLY HAVE NO POWER TO ALTER THEIR STATUTES.

The question still remains how far it is possible to effect alterations in the College Statutes. In former times this appears to have been done with great facility. Balliol, as has just been intimated, is now governed by the last of four codes. University College has also had three codes at least, before that which is now in force. Exeter College is not now governed by the Statutes of its Founder, Stapledon. Oriel from a few months after its foundation was governed for four centuries by a code which had supplanted that of its royal Founder. The framers of the Statutes of Lincoln and Brasenose were not the original Founders of those Colleges. The code drawn up for the regulation of Worcester College by its Founder gave way within twenty years after his death to Statutes framed by his Trustees.

These alterations, however, were not effected by the Colleges themselves; and in no case is such a power granted to Colleges by the Statutes. We are informed that, in Colleges of Royal foundation, the Crown, as representative of the Founder, with the consent of the Society, has this power. This permission, however, can apply only to two, or at most, three Colleges in Oxford. We are also informed, that the law would permit changes to be made with the joint consent of the Colleges, of the Founder's heir (where he can be discovered), and of the Crown; and that such a permission has been obtained by several Colleges in the sister University. But this power has, we believe, never been exercised by any College in Oxford, and the right to exercise it is there generally doubted. In some Colleges, and those among the most important, the Fellows are solemnly forbidden by the Statutes not only to alter, but to accept, or even permit, any alteration. The Duke of Wellington is reported to have assured the House of Lords, in 1838, that the Heads of Houses had undertaken to revise the Statutes of their several Colleges. Whatever may have been their wish and intention, no result has ensued.

See Mr. Dampier's Sub-report.

SUCH POWER, IF EXISTING, NOT LIKELY TO BE USED.

But it is of little use to discuss the legal question of their power to alter. It is not probable that the consent of several of the most important Colleges could be obtained to any change in the Statutes. Some would think themselves precluded from aiding in bringing about changes which they would gladly see effected, because they had sworn not to alter or accept alterations. Considering that such persons live in habitual disregard of most of the Statutes which they have sworn to obey, it might be thought that they would gladly seek a remedy for the evil. But such inconsistencies are beyond the reach of arguments. It is probable, however, that many who would not promote a reform actively, would willingly conform to the law, as they conform to the law which has set aside the religious purposes for which their College was founded; and we believe that the great majority, however averse to the interposition of the Legislature, would honestly obey its enactments.

INTERPOSITION OF LEGISLATURE NECESSARY.

We are of opinion, then, that if a reform in the College Statutes is to be effected, it must be effected by the authority of the Legislature. But it would not be necessary that the Legislature itself should frame minute Codes for the several Societies. It would be sufficient for it to lay down certain leading principles which would thus become part of the law of the land, and in all other matters to grant to each College, under such control as may be thought expedient, an unrestricted power of alteration for the future.

TO WHAT EXTENT.

CHANGES RECOMMENDED AS NECESSARY.

We now proceed to state the particular changes in the Statutes, which in our opinion, are absolutely necessary. These changes, however great they may appear, are not larger deviations from the Founders' injunctions than those which, as we have just seen, have been tacitly introduced by the Colleges themselves; and it may be added, that the decisions of our legal tribunals, in promoting the primary intentions expressed in wills and charitable foundations, to the neglect of subordinate provisions, appear to justify our proposals.

See Mr. Dampier's Sub-report.

Of the changes required, perhaps the most important is that of removing restrictions on the Elections to Fellowships.

I. REMOVAL OF RESTRICTIONS IN ELECTIONS TO FELLOWSHIPS.

These restrictions are, as we have seen, of various kinds. The most injurious are those which confine the Fellowships to natives of particular localities, to members of particular families, and to those who are, or have been, Scholars in the College.

NATURE OF PRESENT RESTRICTIONS.

The result of these various limitations, whether imposed by Statutes or the practice of Colleges, is, that, of five hundred and forty Fellowships, there are scarcely twenty which are open to general competition; and of these, few, if any, can be considered as absolutely free from statutable restrictions.

THEIR RESULT.

Every other recommendation we propose depends in a greater or less degree on the removal of these restrictions. The extent of the evil, and the paramount necessity of removing it, are well stated in the words of Mr. Temple:—

GREAT IMPORTANCE OF REMOVING THEM.

"The system of election to Fellowships is, above all other defects at Oxford, "that whose remedy is most needed and most important. The Fellows are so "completely the governing body of the University, that, if no other change "were made than to throw all the Fellowships open, and secure that the "elections were honest, all other reforms would follow spontaneously. A "body of men elected in the interest of learning would be sure, in course of "time, to adapt everything to the needs of learning.

Evidence, p. 129, 132.
Compare Evidence of—
Prof. Browne, p. 7.
Mr. Senior, p. 17.
Archbishop Whately, p. 27.
Mr. Grove, p. 28.
Mr. Jowett, p. 35.
Mr. Pattison, p. 49.
Mr. Bart. Price, p. 61.
Mr. H. Cox, p. 97.
Prof. Vaughan, p. 90.
Mr. Conington, p. 116.
Sir C. Lyell, p. 122.
Mr. Freeman, p. 141.
Mr. Wall, p. 150.
Mr. Congreve, p. 153.
Dr. Twiss, p. 156.
Sir E. Head, p. 161.
Mr. Lake, p. 172.
Mr. Litton, p. 178.
Mr. Bonamy Price, p. 194.
Mr. Morgan, p. 196.
Mr. Henney, p. 209.
Mr. Clough, p. 214.
Mr. Foulkes, p. 225.
Mr. Neate, p. 242.
Mr. Rigaud, p. 322.
Tutors of C. C. C., p. 336.

"It is now too late to wait for the results of such a process; but the reform "of the election to Fellowships still remains by far the most important of all "the reforms that can be made in Oxford.

"There are in Oxford 542 Fellowships. This does not include the Demyships at Magdalen, but it does include all the Fellowships at St. John's and "New College, and all the Studentships at Christchurch, which differ from "Fellowships elsewhere in being tenable, and to some extent actually held, by "Undergraduates.

"From this body of men has to be supplied all the studying and all the "educating power of the University—all the Professors, all the Tutors, all "those who pursue learning for its own sake, and beyond the needs of practical life.

"Out of this number, only 22 are in such a sense open that a young man, on "first coming up, sees his way clear towards them with no other bar than may "arise from his own want of talents or diligence.

"The rest are almost all restricted to—

1. Persons born in particular localities.
2. Founders' kin.
3. Persons educated in particular schools.

"The only Fellowships not so restricted are 10 at Balliol, 12 at Oriel, and "61 at Christchurch; and the latter are practically close, being in the gift "of the Canons in rotation, who treat them very much as private property."...

"Of all the reforms to be made at Oxford, this appears to me the vital one. "Without a thorough reform here, all other reforms are as likely as not to be "mischievous, for the skill to use them will be wanting. With a thorough "reform here, all others become of less importance, for they are sure at last "to follow. No corporate body is thoroughly reformed till its ablest men are "put at the head of it. The Fellows have become the Heads of the University, "and cannot be dislodged. The nation is bound to see that they are the "ablest men that the University can supply. When this is done, there will be "some meaning in the cry for 'internal reform;' till then, any real reformation "from within is impossible."

EVILS OF CLOSE FELLOWSHIPS.

We will first show the evils arising from the system of close Fellowships. They are well stated in the following Evidence:—

"The effect of these restrictions," says Mr. Temple, "is most mischievous. "Men who are naturally well fitted to be country Clergymen are bribed, "because they are born in some parish in Rutland, to remain in Oxford as "Fellows, until they are not only unfit for that, but for everything else. The "interests of learning are entrusted to those who have neither talents nor inclination for the subject. The Fellowships are looked upon and used as mere "stepping-stones to a living. A large number of the Fellows live away from "the place, and thus in reality convert the emoluments to a purpose quite

Evidence, p. 130.

" alien from that for which they were intended. On the other hand, the Under " graduates suffer a double loss; first, in being deprived of the legitimate " stimulus to study, and, secondly, in having their instruction entrusted to an " inferior body of men."

Evidence, p. 97. " The effects of the existing limitations of Fellowships to counties and " dioceses," says Mr. Hayward Cox, "are undoubtedly the reverse of those " contemplated by the Founders, whether the advancement of learning or of " piety be understood to have been their object. They crowd the Colleges with " inferior men, often without either the power or the inclination to promote " the interests of education, withdraw many who might be useful in their " appropriate spheres, hold out incentives to indolence, selfishness, and self- " indulgence, and engage persons in the work of instruction who are without " zeal in the pursuit, adopting it simply as a means supplied to them by their " Collegiate position of enhancing their income temporarily until they succeed " by rotation to those parochial duties and emoluments which are the ultimate " objects of far the greater number."

It would be easy to shew that these restrictions are often a mischief rather than a benefit to the very classes who consider themselves privileged. It is within the knowledge of one of our own body, that of three Fellows nominated, since the beginning of the present century, to a College in Oxford by a local body of electors, two were actually rejected when they presented themselves with a view to pass the easy ordeal for a common Degree, and continued Fellows of the College for years with that ineffaceable stigma upon them. It is also within his knowledge that many persons, and of these three in immediate succession, claiming close Exhibitions under similar circumstances, have been rejected by the College for glaring incapacity; and that of twenty-four youths admitted, as being of kin to the Founder, in the course of fifty years, twelve have been rejected in the schools, and that twelve only, including some of those who had been thus ignominiously repulsed, have after all obtained the Fellowships connected with their Scholarships. It may well be questioned whether the inducement which such Foundations offer to parents to bring up youths of this kind for the University does not prove a serious evil to them, forced as they are, for the most part, to turn to some other pursuit in life long after the age at which they ought to have entered upon it; or to continue in a position for which they know themselves, and are known by all around them, to be unfit. It cannot be doubted that a Fellowship bestowed on the native of a parish, because of his merit, is far more valuable to the parish, than when an accident throws it into the hands of a person who has no qualification for a learned life, and who cannot, therefore, turn his good fortune to advantage.

POPULAR ARGUMENTS FOR CLOSE FELLOWSHIPS.

Attempts, however, have sometimes been made to represent close Fellowships as beneficial to the Colleges, and open Fellowships as attended with serious disadvantages. It has been said that in the Colleges where the great majority of the Fellows are elected solely on the ground of their superior acquirements, but which have also some close Fellowships, it is seldom found possible to retain men for any length of time as Tutors and College officers, except those who belong to restricted Foundations; and that, without such a resource, the Colleges would have been incapable of fulfilling the duties of education, or carrying on their domestic and financial economy.

Evidence, p. 200. Mr. Merivale, who alone of those who have communicated with us, argues for the use of close Fellowships, urges this objection strongly, His argument, however, is founded on an error in the fact which he adduces in support of it. At Balliol College he supposes that the permanent Tutors were furnished chiefly by close Foundations. The fact is, that there has been only one Tutor supplied by the only close Foundation of that College during the last thirty years, whilst it may be stated on the other hand, that at Pembroke College, the whole staff of teachers, including the Master and Tutors, is furnished entirely by the small but open Foundations which that close College contains.

It is also urged by Mr. Merivale that his experience in open elections to Fellowships leads him to think that patient and self-denying industry was seldom rewarded by success, and that the day was usually carried by mere " cleverness," though, of course, not without a certain amount of industry; and he consequently pleads for the retention "of a limited number of close Fellow- " ships to rectify the inequality, though in a very imperfect and anomalous " way." But even if it were the case, which we cannot admit, that brilliant

talents, and dazzling accomplishments, unaccompanied by solid qualities, are preferred by the electors in open Colleges, close Fellowships would not remedy the evil complained of. Close Colleges (as we have stated) have notoriously the most difficulty in finding good Tutors; and the Oxford Fellowships are so numerous that, if all were thrown open, there would be ample room not only for men of the highest abilities, but also for most of the patient self-denying men, whom all must desire to see rewarded. A large number of able Students would doubtless resort to Oxford: yet the great majority there, as elsewhere, must consist of men of average ability, who would continue to obtain Fellowships, as at present, though at the cost of some additional labour and self-denial.

It has been said, further, that in open Colleges the Fellows are apt to combine into religious schools and parties, under the influence of some one vigorous mind, and are enabled by their position to propagate their opinions with more effect, and thus to agitate the University and even the Church at large. Such arguments probably weigh little with most persons; they certainly do not influence the practice of the best Colleges, which strain their Statutes to the uttermost, in order to let in the ablest candidates. But those who urge such arguments seriously, should recollect that the general removal of restrictions would only tend to distribute these dangerous persons more equally throughout the Colleges.

ADVANTAGES OF OPEN FELLOWSHIPS.

We next proceed to state the positive advantages to be expected from throwing open the Foundations generally. Such a measure is absolutely necessary in order to render the revenues of the Colleges available for the services of learning and education. The wealth of Oxford is commonly laid to the account of the University. But this is a serious misapprehension. The University has no large revenues, as we have already shown. It is to the Colleges that large landed estates are confined. They receive, it is said, not much less than 150,000*l.* per annum between them from endowments, exclusively of what is paid by the Students. This might be rendered a noble provision for learning and science, but if these endowments were multiplied tenfold, and distributed to a tenfold number of Fellows elected without reference to their talents and acquirements, little would result but increased odium to the University. The architectural magnificence of Oxford would be diminished, and many excellent men would suffer, and great opportunities of future good will be lost, if several of its richest Colleges were swept away; but little present loss would be sustained by the University, the church, or the country.

The Colleges have now become national institutions. They have become great because they have absorbed the University, and drawn to themselves its functions, educational and literary. Seven eighths of its Students must be members of Colleges. Their Heads furnish its Vice-Chancellors, and form the Board of its Governors, which has the sole right of initiating measures; their Fellows are its Teachers, its Examiners, its Proctors, its learned men. The only elements of the University external to the Colleges are the Professors and the five surviving Halls. The Professors, as well as the Heads and Tutors of Halls, commonly are or have been Fellows. "The Fellowships," as Professor Vaughan observes, "are the centres of the whole academical system. They act upon all "parts of the University at once, Undergraduates, Bachelors, Masters and Heads "of Houses, on all who study, on all who teach, and on all who at present govern. "They are the rewards to which the Undergraduates and Bachelors look, and "for which they labour; they support the Resident Masters and Tutors, and "therefore provide the instruction, as, through the Heads of Houses who are "elected from the Fellows, they determine the discipline and government." Whatever changes may take place, the Colleges will continue to be dominant in the University. They cannot be great without it, and it cannot be great without them. They have undertaken to educate some of the most important classes in the country, and they cannot relinquish that task. This duty is one far higher than any that their Founders imposed upon them, or than their present constitution enables them to discharge. Their great powers cannot be suffered to run to waste. Their Fellowships and Scholarships must be rendered available for the best purposes.

Evidence, p. 90.

OPINION OF THE HEBDOMADAL BOARD ON THE BENEFIT OF REMOVING RESTRICTIONS. Appendix A., p. 3.

The Hebdomadal Board, which admits that the opening of the Foundations might be beneficial to the Colleges themselves, has declared its belief that this measure would have little effect on the Studies of the University; but the

reasons are not stated which have led to a conclusion so remarkably at variance with academical experience. A few instances will suffice by way of illustration, to show the direct connexion which exists between the removal of restrictions and encouragement to study.

Trinity College in Cambridge, and Magdalen College in Oxford, probably possess incomes not widely different in amount. The nineteen Fellows of Oriel College are not richer than the eighteen Fellows of Jesus College.

SUPERIORITY OF OPEN AS COMPARED WITH CLOSE COLLEGES, AS TESTED BY UNIVERSITY HONOURS.

A very striking contrast exists in this respect between one of the smallest and the most magnificent foundation in Oxford. There are in Balliol College twelve Fellowships and fourteen Scholarships; ten of the Fellowships being virtually open; for, though the Scholars have a *cæteris paribus* preference, the College takes care to suffer no detriment from that preference. Twelve of the Scholarships are quite open. The whole number of Undergraduates was in 1851 ninety-two. There are in Christchurch one hundred and one Studentships, of which about seventy may be reckoned as equivalent to the Fellowships of other Colleges, and the remaining thirty-one as equivalent to the Scholarships. These Studentships are in the patronage of the Dean and Canons, with the exception of two or three which are filled up every year from Westminster School. All who have been once nominated retain their Studentships simply on condition of taking a common Degree. The whole number of Undergraduates was in 1851 about two hundred. Without ascribing too much importance to academical distinctions, we may refer to the University Honours which have been obtained in these two Societies as indicating, to a certain extent, their respective influence on the education of the place. The ten open Fellowships of Balliol were held in 1851 by persons who between them had obtained twelve First Classes, five University Prizes, and five Ireland or Hertford Scholarships; and from 1841 to 1850 (inclusively), Balliol had gained, in all, twenty-two First Classes and three University Scholarships. The seventy Student-Fellowships of Christchurch were held in 1851 by persons who between them had obtained thirteen First Classes, two Prizes, and three Ireland or Hertford Scholarships; and from 1841 to 1850 (inclusively), Christchurch had gained, in all, thirteen First Classes and no University Scholarship.

If, however, we had taken an earlier period the result would be found very different.

From 1831 to 1840 (inclusively), Balliol gained, in all, twenty-six First Classes, two Prizes, and one University Scholarship; Christchurch, thirty-one First Classes, five Prizes, and three University Scholarships. From 1821 to 1830 (inclusively), Balliol gained eleven First Classes and two Prizes; Christchurch fifty-one First Classes and four Prizes.

Now it appears that the Scholarships at Balliol were given away without regard to merit up to the year 1829, when they were first thrown open to public competition. At Christchurch, individual members of the Chapter have always paid regard to merit in the distribution of their patronage; and this was the case when all other Colleges were close. The result in former times was, that the Student-Scholarships of Christchurch were more open to merit than any Scholarships in the University, except those of Corpus Christi College, which was the first to set the example of instituting an Examination to test the claims of Candidates. But of late years, not only Balliol, but also Trinity, Oriel, Merton, Pembroke, Exeter, and University Colleges have thrown open, or founded Scholarships for public competition; while Christchurch has either stood still or even become at times less liberal, according to the disposition of those who held the patronage. The consequence has been that the best Candidates from Schools have been more and more drawn away to those Colleges where they could present themselves for Examination and claim rewards for merit.

CONCLUSION WITH REGARD TO THE REMOVAL OF RESTRICTIONS.

We cannot, therefore, coincide in the opinions of the Hebdomadal Board to which we have above referred. We are convinced, on the contrary, that immense influence would be exerted on the studies and the reputation of the University, if the Colleges were benefited, as the Board admits would be the case, by being enabled to render their Fellowships and Scholarships generally accessible to merit, and to merit only. It is probable, as we have said, that no College would display such an array of names as is now often found on the list of the Fellows in the few Colleges which are open, and that superior men would be more equally distributed. But a much larger number of Students, and,

therefore, a proportionably larger number of such men, would be attracted to the University. Thus the removal of restrictions would produce, not only a more even distribution,—which, however, would itself be an advantage,—but a considerable accession of persons, capable of doing honour to their respective Societies and serving the University. It would be scarcely less beneficial that many who are now saved the necessity of exertion, because their fortunes in the University are fixed, should be forced to apply all their powers to the attainment of knowledge. But this is not all. The New Examination Statute, excellent in many respects as it is, will prove a failure, as regards many of its best enactments, especially as regards the Studies of recent introduction, unless the Students shall be induced to aim at the distinctions held out in the new Schools by the prospect of advancing their fortunes in the Colleges. The failure will be more complete than it has been in the Mathematical Schools; for Fellowships are even now occasionally obtained by those who have attained to eminence in that department. There is not at the present moment a sufficient number of open Fellowships to render it certain that every young man who attains the highest classical honours will gain one; and unless the number of such Fellowships be greatly increased, there is little hope that the electors who are themselves, for the most part, ignorant of Physical Science, Mathematics, and Law, or indifferent to them, will go out of their way to encourage these Studies. And further, if, as we trust, the University shall be extended to a larger and a poorer class of Students, it will become doubly important that the Foundations should be opened to the widest possible extent, so as to embrace not merely the natives of a few favoured localities, but those of the many portions of the Country who are now altogether excluded by restrictions from the larger part of the endowments, and therefore from the privileges of the University.

LEGAL OR CONSTITUTIONAL DIFFICULTIES IN THE WAY OF OPENING THE COLLEGES.

Having thus shown that it is desirable to abolish all limitations of parentage or birth-place, we have now to consider how far this object is impeded by legal principles or moral difficulties.

Evidence of Dr. Phillimore, p. 234. The Bishop of St. Asaph, p. 164.

Several of those who have supplied us with Evidence, entertain no doubt, indeed, of the expediency of removing restrictions in the election to Fellowships and Scholarships, but would regard the interference of the Legislature to change the distribution of what they have been taught to consider as private property as an act of spoliation.

LEGISLATIVE INTERPOSITION FOR THE REMOVAL OF RESTRICTIONS CONSTITUTIONAL.

But subjects of this kind have been too often discussed, and the Legislature has too often disposed of questions of the same kind, both in modern and ancient times, with benefit to the country, and with the general acquiescence of all parties, to permit us to believe that it can be argued with success that there could be any violation of constitutional or legal right in introducing changes in the disposition of corporate property with the deliberate sanction of the Legislature, after full proof of the necessity of the case, and solely with a view to the highest interests of the University, the Colleges, and the Country.

See Evidence of Mr. Neate, p. 239.

See Mr. Dampier's Sub-Report.

Lord Coke and other judges have given it as their opinion, that "Collegiate "bodies are, and hold their possessions, for the public good." It is in this character that they receive the protection of Parliament. They exist for the purposes of sound learning and religious education; they hold large possessions in trust for those purposes, and from very early times the Legislature has provided for their due execution of such trusts. "In estates," says Mr. Hallam, "held as we call it, in mortmain, there is no intercom- "munity, no natural privity of interest, between the present possessor and "those who may succeed him; and as the former cannot have any pretext "for complaint, if, his own rights being preserved, the Legislature should alter "the course of transmission after his decease, so neither is any hardship sus- "tained by others, unless their succession has been already designated or ren- "dered probable. Corporate property, therefore, appears to stand on a very "different footing from that of private individuals; and while all infringements "of the established privileges of the latter are to be sedulously avoided, and "held justifiable only by the strongest motives of public expediency, I cannot "but admit the full right of the Legislature to new-mould and regulate the "former in all that does not involve existing interests upon far slighter reasons "of convenience."

But the legal or rather constitutional difficulties are not those which are

MORAL DIFFICULTIES IN THE WAY OF OPENING COLLEGES.

usually regarded as most formidable. Many who will not deny the right of the Legislature to interfere in extreme cases, and who admit the expediency of such interference in the present case, yet regard the injunctions of Founders with so superstitious an awe, that the strongest certainty of beneficial results cannot reconcile them to it. "It would be very advantageous," says Mr. Scott, who expresses this view, "that all restrictions as to the elections of "Fellows of Colleges should be relaxed, as far as this can be done without "violating the manifest intentions of Founders. But I should earnestly "protest against any systematic disregard of these intentions. . . . If it could "be fairly done, I would gladly see all Fellowships thrown open. . . . But "I believe that it would be dishonest; and I cannot consent to see localities "deprived of the advantages specially secured to them by the bequests of "Founders."

Evidence, p. 113. Compare Evidence of Dr. Phillimore, p. 234.

We will not dwell on the fact, that even Mr. Scott, after using this strong language, thinks that "much might be done by the Visitors, under some "general legal authority," and that the "claim of Founders' kin is less "deserving of much consideration."

QUESTION REALLY AT ISSUE.

But it is obvious that the real question now at issue is not whether the purposes of Founders shall or shall not be fulfilled by those who are to enjoy their benefactions. We have shown that almost every one of the regulations which they have most earnestly insisted on have been disregarded, and must continue to be disregarded. Even the preferences which they enjoined are not always observed, having been unavoidably set aside, in some cases openly, in others by means of strained interpretations; and when they have been adhered to, it has not been because they are invested by the Statutes with any special sanctity, but because, unlike the really fundamental Statutes, they are under the safe-guard of personal interests, and the forced protection of Visitors.

The question is whether Foundations having become comparatively useless as regards many of the great objects of Founders shall, through the observance of a single enactment of the Statutes, continue to be so for ever.

DOUBTS AS TO THE STATUTABLE RIGHTS OF PRESENT HOLDERS.

If it be forbidden to depart from the "literal and grammatical sense" of the Statutes in one particular, it must be asked whether those who now enjoy Fellowships and Scholarships have any statutable right to what they enjoy, in accordance with the very enactments on which they ground their claims.

A Founder enjoins that the poor and indigent natives of a given county, or that his poor and indigent kinsmen, shall be exclusively elected to a Fellowship. It is obvious that, if this restriction be defended on the ground that the Statutes must be literally observed, the wealthy natives of that parish, the kinsmen of the Founder who are able to support themselves at the University, have no more claim to the Fellowships than any other persons of like condition, since Fellowships are for the indigent.

The most bountiful of the early Founders was William of Wykeham, especially to Fellows of his kindred; but the statutable right of a Fellow of the kindred of William of Wykeham at New College, according to the literal and grammatical sense of the Statutes, is to one shilling a-week, to a livery once a-year, and to a sum not exceeding forty shillings annually for his shoes, bed, and other necessaries, if he have not ten pounds a-year; to the necessary expenses of graduation if he cannot pay them himself or cannot obtain the necessary sum from a friend, and to the services of specified College servants; nor is he entitled even to these allowances, except on the condition of almost perpetual residence, a long devotion to the study of Theology, Canon or Civil Law, or Astronomy, and of submission to a Monastic Rule of life. So also (to take another instance) the Fellows of Magdalen are forbidden, under pain of perjury, to divide the surplus, or have any ampler allowance than sixteenpence a-week. If the letter of the Statutes presents an insuperable obstacle to a change of the injunctions respecting local or family claims, by competent authority, it is difficult to see how it can be evaded in the injunctions respecting enactments. If, on the other hand, the change of the value of money, of manners, of religion, is thought a sufficient ground for departure from the Founder's specific injunctions in these respects, the change in the whole condition of the country afford reasons no less cogent for departure from the

Magd. Coll. Stat. c. 43.

injunctions which confine these great foundations to particular localities. There is no reason for believing that the Founders were more anxious that particular localities should be respected, than that the Fellows should be poor, or that monastic discipline should be observed, or that masses should be said which is now forbidden by the law of the land. These, and many other injunctions, which are daily set at nought, are insisted on in the Statutes with an earnestness evinced not only by entreaty, but by imprecation. But no such language, we believe, is to be found in those Statutes which relate to local limitations.

We do not, of course, mean that the observance of the Statutes should be enforced. It would be fatal to the utility of a literary institution and a great place of education, in our times, to fill it with the poor and indigent, or to compel its inmates to live like monks, or to force Fellows without occupation into residence, or to fetter Students by a rigid discipline. No one would be so absurd as to wish to return to the prescribed studies, or to revive the antiquated exercises. The observance of the Statutes in these respects would defeat the great purposes for which the Legislature relaxed the law of the land in favour of Colleges; and would frustrate what must have been, after all, the paramount object of every Founder, namely, the promotion of learning and the service of Church and State. All this is urged with truth by the holders of Fellowships when reproached with the violation of statutable obligations to which they are bound by oaths. But it is equally true that the wants of our times, and the paramount objects of Founders, are not less effectually defeated by adherence to restrictions which, when originally imposed, were perhaps of little moment, than they would be by adherence to the fundamental Statutes, for the neglect of which, convenience, change of times, or any similar reason, is thought a sufficient warrant.

The question, we repeat, is not whether the Statutes of Colleges ought to be observed, but whether the Legislature has not a moral right to do in one instance for the interest of the Colleges and of the country, and in order to fulfil the paramount object of Founders, what in many instances has been done by convenience, or private interest. The affirmative is strongly supported in the Evidence laid before us:—

"The removal of restrictions," writes Mr. Temple, "would be called a "violent interference with the Founders' wills, and it seems right to indicate "the grounds on which it can be justified. Evidence, p. 131.

"In the first place, without touching on the general question of the right "of the State to interfere with private property, it is plain that property left in "trust cannot be considered as on the same footing. The law interferes with "no bequests to individuals; the law has always interfered with bequests in "trust for special purposes. If such a bequest be 'contrary to public policy,' "the Court of Chancery will disallow it. What great difference is there "between a man's leaving money in trust always to maintain one of his own "descendants, and founding a Fellowship always to be given to one of his own "kin? The law forbids the former; why should it permit the latter?

"Still further, the Colleges do not even stand on the footing of private trusts. "They were founded as parts of the University, and must be subject to what-"ever is for the interest of the University. By virtue of their connexion with "the University they obtain a certain position in the nation; by virtue of the "same connexion they are liable under certain contingencies to interference.

"Again, the proposed change is really nothing to the change that has already "taken place. Nothing could possibly be further from the Founders' intentions "than the present system. They meant the Fellows to be resident. A large "proportion hardly ever come near the place. They meant the Fellows to "live a strict and severe life; the comfortable Common-rooms and 200*l.* a-year "do not represent that. They meant the Fellows to be bonâ fide Students; "nothing could be more absurd than to call the present body such, except, "perhaps, an endeavour to compel them to become such. In fact, it could "hardly be possible to imagine a greater contrast than that between the ideal "present to the Founders' mind of a poor hard-working Student of Theology, "copying manuscripts, disputing in the schools, living a life of monastic severity, "and the Fellow as he at present exists, with his comfortable rooms, liberty "to roam over the world, and 200*l.* a-year with nothing to do for it. All that

"subserved private interest has been retained; all that conduced to public "benefit has been given up.

"It is foolish to reply that the true reform is to restore that severe system "which the Founders contemplated. The monastic system cannot be restored. "The one thing that could be enforced is the residence, and to enforce that "now would be more mischievous than the present laxity. If Fellows are to "be elected as they are now, their idleness is less hurtful than would be their "attempts to study, and their idleness away from Oxford than their idleness "in the place.

"The fact is that the Founders aimed at several objects which they believed "to be compatible with each other. They aimed at creating a body of real "Students, at connecting Study closely with Religion, at assisting the Edu- "cation of the poor, at benefiting their own Families, or certain localities and "Schools connected with themselves. Their belief was that any man who was "willing to study might be made into a Student. And if this were so, there "was no reason why those who were to be made into Students should not be "selected for their poverty or their birthplace, or on any other principle of "choice. But experience has very plainly shown that it is not so. To be a "Student requires a natural vocation more than any other kind of life; for "more than any other it tends to isolate a man from his fellows, and there "are few who can bear that. The result is, that in the attempt to realise some "of the objects contemplated by the Founders we have quite lost the most "important of all.

"And this incompatibility, which always existed but was not always per- "ceived, has now by the change of times and circumstances become glaring. "There can be no question that the local stimulus of rewards confined to "special birthplaces did much then to encourage learning; but we have now "outgrown the need, and only feel the fetter. The change of manners too has "deprived us of the check which once restrained idle men from undertaking "what was then a laborious life.

"But lastly, it must be remembered that the Colleges were founded one by "one, and what might be borne in each separately becomes intolerable in so "many together. Each Founder thought of his own College as a small body "in the midst of a large one. The University was strong enough to hold its "own course, and the rules which governed a single College were of importance "only to itself. The influence of the University too upon the College was "very great; and if the College Statutes did not tend to the advancement of "learning, the atmosphere of the place neutralised much of their mischief. "One after another the Colleges were founded, without its being perceived "that they were absorbing the University. Gradually, as the Fellows became "more numerous, the body of independent Masters dwindled away; and the "Halls died out before the Colleges. Laud sealed the victory of the latter "by forcing all the Undergraduates within their walls: but Laud only system- "atised what was already done. The Fellows had become, and have ever since "remained, the practical rulers and teachers of the University. The College "Statutes have thus become Statutes of the University; the College Founda- "tions have become Institutions of the University; and in common justice their "new position subjects them to principles of interference not contemplated at "the outset.

"In short, a literal interpretation of the Founders' wills has become a mere "superstition. To secure the great object at which they aimed, the advance- "ment of learning and religion, is a duty. To seek it by means which are now "found not to reach it, or to tie it to conditions which are now found to render "it unattainable, is absurd. To make the changes proposed above is not an "interference with private property, for the property is not private; it is not "the betrayal of a trust, for the trust was essentially conditional; it is not a "departure from the intentions of the Founders, for it only gives up a secondary "object when no other way remains to secure a primary: and it is demanded "by common justice, for the Colleges are now injuring the University, under "whose shelter they were meant to live."

Evidence, p. 34. "The plea often urged," says Mr. Jowett, "against interfering with these "local restrictions, is the sacredness of Founders' wills. Without enlarging on "so trite an argument, it may be remarked,—1st, that a greater change was made

"in the Statutes by Act of Parliament at the Reformation than any which is "possible now. 2nd. That the alteration in the University system, which was "completed at the beginning of the present century, did practically do as much "violence to the letter of the Statutes in its provisions respecting education, "as the Reformation did to the religious ones. We have twice violated the "Founders' wills, if such a figure of speech may be allowed, and cannot now "appeal to them in favour of restrictions which are obviously injurious."

Sir Edmund Head speaks thus:—

"I apprehend, after the Act of the 13th of Elizabeth, no one will dispute "the title of the Legislature to interfere with the University as such, although "very different opinions may exist as to the expediency or the nature of such "interference. With regard to the Colleges, however, I know that many "persons, whilst they could not deny the power, would on conscientious "grounds scruple to admit that it can be right even for Parliament or the "Crown to modify or alter those Statutes on which they originally rest, and "would therefore object even to the negative interference which I consider as "expedient. I respect such scruples, but I cannot say that I consider them as "having much weight. If there be no implied condition of obedience to the "Law of the land, as it may be modified from time to time, inherent in all "Charters or Statutes of this kind, then assuredly many persons who at the "time of the Reformation continued to hold their Fellowships were guilty of "perjury. Nor do I see, on such a principle, how Acts of Convocation, or "Acts of Parliament, passed since the Founder's wishes were expressed in the "Statutes, can relieve the present members of a Foundation from carrying out "the letter and the spirit of those Statutes. The acceptance of a Headship or "a Fellowship is a voluntary act: how can a man justify himself in attending "and compelling others to attend daily worship which the Founder would "have deemed heretical, if the wishes of that Founder are to be his only guide? "If it be said that it may be fairly supposed that William of Waynflete, or "William of Wykeham, would have seen the errors of the Romish Church, "and would have heartily joined the Reformed Church of England, such a "principle seems to me to open a very wide door. What a man would have "thought on a given subject if he had lived two centuries later, is a question "purely speculative, and one which every man may answer differently, "according to his own views. But the solution of this difficulty is easy and "immediate, if we hold that there is a condition of submission to the lawful "sovereign power implied in the creation of every such Corporation, of what-"ever character. Is it not almost absurd to attribute to the wishes of a fallible "man, living in the thirteenth or fourteenth century, a power of binding in "perpetuity a corporate body endowed with an artificial existence by the "law alone?" Evidence, p. 158.

CHANGE OF CIRCUMSTANCES IN THE COUNTRY.

It must also be observed, that both the local and the family restrictions of which we are now speaking were imposed in great measure for reasons which have now lost their force.

"The restrictions as to counties, &c., in the elections to Fellowships," says Archbishop Whately, "should be greatly relaxed. This would prove an incal-"culable benefit to the University, and would, in fact, not interfere much with "the real intentions of the Founders; but, in many cases, the reverse. Evidence, p. 26.

"For the Founders certainly designed to *encourage learning* in the counties, "schools, &c., which they thus provided for. And too often the result has "been *the very reverse.*

"Moreover, in many instances, those restrictions *generated one another.* If "*one* Founder provided for his own kindred or county, another thought he "must do the like for his, and another for his, &c. If all these Founders could "be recalled to life, and it were proposed to one of them to throw open his "Fellowships (suppose) to Cumberland and Westmoreland, on condition that "another should open his, to Devonshire, and so on, it is likely the parties "would *agree.*"

The account which we have given of the motives of Founders for assigning their endowments to special localities, shows that the Archbishop's statement are borne out by undoubted facts. The second Founder of Lincoln College expressly declares that he imposed limitations on the foundations of his predecessor, "not blinded himself by an odious carnal affection" for the natives of Lincoln, but because they were excluded from other Colleges by that Report, p. 141.

"carnal blindness" in others. That diocese is now the best endowed in the University. In like manner, the increasing force of public opinion, and the increasing purity in elections which will follow, render needless those limitations of the choice of elections, which Founders imposed as safeguards against corruption. Exactly in proportion as nomination by personal favour becomes less common, will the reasons for retaining such restrictions as those imposed by the Founder of Magdalen become less cogent.

The change of circumstances in regard to localities themselves, since the time when the Statutes were framed, is almost as great as the change made by the Reformation in regard to the religious services which the Statutes prescribe, or as that made by the legislation of the University in regard to the course of studies which the Fellows of Colleges are still bound by the letter of their Statutes to pursue. Increased facilities of communication, combined with many moral and social causes, have almost extinguished the provincial nationalities which once distracted the University. The division of the country north and south of the Trent, which then was thought of sufficient importance to be the subject of anxious provisions in the Statutes both of the University and Colleges, is now obliterated even in name. Scotland has been united to the British Crown, and the Colonial Empire of England has sprung up, since those restrictions were imposed which now, with a very few exceptions, exclude from Fellowships the natives of those vast and important portions of the British dominions. "It was once," observes Mr. Temple, "a matter of much moment "to change a man's abode across 50 miles; it is now a comparative trifle to "move from one end of the kingdom to the other." And this great change is nowhere more apparent than in its effect on birthplace, which in the College Statutes is alone selected as the test of local connexion. Lord Eldon used to remark that it was only by a lucky accident that he became qualified for a Fellowship at University College, the alarm of the Pretender's invasion having driven his mother from one side of the Tyne to the other. But what was in his time an exception has now become common. "The fact that a man is born "in Yorkshire," continues Mr. Temple, "hardly makes him more a York-"shireman than if he were born in Devonshire."

Evidence of Mr. Temple, p. 131.

Compare Evidence of Mr. Bonamy Price, p. 194.

Evidence, p. 7.

"The Founder of Magdalen," says Professor Browne, "directs that certain "Fellows and Demies should be elected from persons born in the City of "London, meaning thereby to benefit the families of tradesmen and merchants, "&c., residing therein. Now, in the present day, scarcely any of this class of "persons, which he intended to benefit, reside in the City; they now inhabit "the suburbs, and are thus by statute excluded from the benefits which the "Founder intended they should enjoy, and not only that, but from every Fel-"lowship in his College, if they reside in Middlesex; because he imagined "that county was provided for when he provided for the Londoners."

Evidence, p. 17.

Mr. Senior has also furnished us with some striking remarks to the same effect:—"The most obvious subject of Parliamentary interference," he says, "is the throwing open of close Foundations. Even supposing that we are now "bound in any respect by the wishes of Founders, we cannot be bound to "obey their wills when formed under circumstances which have since changed. "When William of Waynflete directed that three of his Fellows should be "born in Berkshire, he intended to provide for three Berkshire men. At "present the accident of birth does not imply much real relation to the county "of birth: though I was a Berkshire Fellow I never resided in Berkshire "after I was six months old, and probably such will be found to be generally "the case. Few persons have any real connexion with the place where they "happen to have been born. London, using that word to express the bills of "mortality, probably now contains about half as many persons as all England "contained in the time of William of Waynflete; but as it then contained at "the outside 100,000 persons, he allotted to it only one Fellowship. Again: "the British colonies now contain a larger British population than all England "contained 500 years ago; but there are very few Colleges in which persons "born out of England are eligible, so that not only the colonies but even "Ireland and Scotland are generally excluded; so are the vast number of "persons who are born while their mothers are abroad, though English subjects "by law for every other purpose. Close foundations of course, in proportion "as they are close, prevent or diminish competition. If confined, as they "sometimes are, within very narrow limits, they become a sort of perpetual

" entail in favour of particular families, in defiance of the principle of English " law that perpetuities are abhorred. We have just refused at Magdalen " College an endowment of 20,000*l.*, which the testator proposed to confine to " his kindred in the first instance, and then to the county of Stafford. It is " notorious that the Founder's kin at Winchester have been the least distin- " guished boys in the school. This is indicated by the common Winchester " proverb, ' as thick as a Founder.' For the purposes of education and " literature such Foundations are often useless, and even worse than useless, as " they introduce mischievous elements into the government of the University " and of Colleges."

ANOMALIES CAUSED BY THE PREFERENCE GIVEN TO FOUNDER'S KIN.

The preference given to particular families in College Foundations, to which Mr. Senior refers, is a less extensive evil than that of local limitations, but not less serious where it is observed, and is rendered still more unreasonable by the lapse of time.

It has been remarked that some of the Founders who have desired that a preference should be reserved for their kinsmen, have given as a ground for this provision, that their kinsmen being their natural heirs will be disappointed of their expectations, and are, therefore, entitled to some compensation. This was probably the motive in other cases where it has not been expressed. It is not, therefore, unreasonable to apply to such a provision the common laws that regulate the descent of property. Perpetual entails are not permitted in this country; yet this preference of kin for ever is really a perpetual entail. It is seldom that property remains in one family for more than two centuries; but by the will of Founders a partnership in the property may be claimed in all future time, not only by the heirs of the Founder, but by all who can prove by a pedigree the remotest connexion with any person of the blood of the Founder. The extent to which this is carried produces many anomalies. The heir-at-law, if he have barely enough from land to live upon, is to be excluded, while a person who could not by possibility have inherited any portion of the property is to be admitted. As eligibility depends solely on the accident of being able to produce a pedigree, it follows that large numbers of those who really are of kin to the Founder are deprived of benefits to which they are better entitled than the fortunate holders, and these persons might really obtain some interest in the bounty of their relative if the Fellowships were open. At Wadham College claims have been admitted in cases where the connexion between the Founder and the applicant was through a common ancestor who had died three centuries before the foundation of the College; and, in one instance, it has been endeavoured to trace consanguinity there through the medium of a Saxon king.

Compare the Evidence of Mr. Neate, p. 239.

Time assuredly has not diminished the force of the taunt which Clarendon cast upon Lord Say, who claimed a Fellowship of New College, " by the " alliance he pretended to have from William of Wickham, the Founder; " which he made good by a far-fetched pedigree, through so many hundred " years, half the time whereof extinguishes all relation of kindred."

Clarendon's History of the Rebellion, vol. iii. p. 565.

Blackstone has written a treatise on Consanguinity, in which the whole question is discussed. He is of opinion that claims to Fellowships on this ground cannot be entertained. A few extracts from his essay will show not only his opinion, but also the opinion of other great lawyers on this subject.

" In the Court of Chancery it has been settled that, ' when one devises the " ' rest of his personal estate to his relations without saying what relations, it " ' shall go among all such relations as are capable of taking within the Statute " ' of Distribution: else it would be uncertain; for the relations may be infinite.' " The amount of all which is no more than this, that such bequests are totally " void for their uncertainty; and the legacy is distributed as if *quoad hoc*, the " Testator had died intestate. If, therefore, the Founder's Statute is to be " interpreted as his Will would have been in our present Courts of Equity, it " must be entirely disregarded, and his Fellowships distributed, as if, *quoad* " *hoc*, he had made no Statute."

Blackstone's Essay on Collateral Consanguinity, (8vo., Lond., 1750,) p. 76.

" In an appeal against the rejection of a claimant in 1789, it was recom- " mended by the Lord Keeper Bromley, and assented to on all sides for the " difficulty of the judgment to be given, and it was so decreed, that the " plaintiff's issue for four descents should be admitted as if they were of the

Ibid, p. 80.

"Founder's kinsmen, and also that he should renounce all further claim to the "blood of the Founder; which renunciation was accordingly regularly made. "About ten years afterwards, the fathers of two other rejected candidates "applied to the same tribunal for a similar relief. Whereupon, the Lord "Chancellor Hatton, 'gravely considering that the public benefit of the realm, "'for the education of Scholars and learning (which was chiefly intended by "'the Founder), would greatly be hindered if every of the children of the "'said complainants (allowing them to be of the undoubted blood of the "'Founder) should be admitted into the said Colleges, being at this instant "'many in numbers, and in a short time likely to spread, increase, and grow "'into more generations, sufficient of themselves to fill the number of both "'Colleges, referred the whole to Bishop Cooper, who then sat in the see of "'Winchester, and as such was the Visitor of both Societies. The Bishop, "'having duly considered the case, declares himself willing to pay a regard to "'such as even seem to be of the Founder's blood,' so that the same tend not "to the annoyance, disturbance, or prejudice of the said foundations which "the Founder meant to make for the public benefit of the whole realm, and "not to be appropriated and made peculiar to one only kindred and family. "He directs that there shall not be at one time more than eighteen reputed "kinsmen in the two Colleges, which consist, by the way, of 150 Scholars, "and that not above ten shall be admitted at any one election into either "College; thus substituting a limitation in point of number in lieu of what "had been established by the Lord Keeper Bromley; and, what is now con- "tended for by the College of All Souls, a limitation in point of degree."

p. 5. In a note to a subsequent Edition, Blackstone remarks thus:—"The Colleges "have at several times since the publication of this Essay applied to their "Visitors for a decisive interpretation..... But the Visitors never gave such "an interpretation, but in every case gave it against the College, and instated "the Appellant in the Fellowship, and declared every other Fellowship filled "up at the same time void and devolved to the nomination of the Visitor; and, "to crown all, some Visitors have proceeded to condemn the College in costs "for not crediting Evidence which they never saw, and for rejecting a Pedigree "which never appeared to be authentic."

Perceval's Merton Stat., p. 116. The inconvenience of the restriction is proved by the efforts which (as appears from this passage) Colleges have made to relieve themselves from it. Several Colleges have escaped from it. In Merton the claim has been neglected since the sixteenth century. In Queen's, also, it has been long disregarded. Even in New College and All Souls, as we have stated, the absolute preference to Founder's Kin has been limited by the injunctions of Visitors.

DANGER OF CHECKING THE LIBERALITY OF BENEFACTORS.

Evidence of Prof. H. H. Wilson, p. 9. An apprehension is felt by many that if the conditions of endowments, once accepted, are not observed, "benefactors will become rarer than ever." It is not, however, the policy of the Law to facilitate endowments as such, but to permit endowments which are beneficial. The Statutes of Mortmain are not relaxed in order to benefit particular places or families, but for great public purposes; and it is better that Foundations should not be made, than that it should be laid down as a principle that once made they are never to be liable to interference, however useless or injurious they may become. But there is no reason to think that the interposition of the Legislature has had much tendency to diminish the desire to found institutions like the Colleges of Oxford. Protestant Foundations were made in England immediately after those of Roman Catholic times had been swept away. Almshouses soon took the place of the confiscated hospitals which before answered the same purposes as almshouses. There are many motives, some mean, some noble, which lead men to devote their wealth for ever to what they regard as a great and durable purpose. A wise benefactor would be only the more strongly induced to bestow his wealth for the public benefit if he had the assurance that his Foundation would be so regulated from time to time by the wisdom of the State, that it would never become, or at least not be suffered to continue, useless, or worse than useless, but that it would be made to promote his highest purposes for ever. The sight of Charities abused, and secured in their abuses by being placed beyond any remedial power, would be much more likely to damp the ardour of a philanthropist than the sight of Charities cautiously and wisely reformed.

It now remains for us to inquire by what means the removal of these restrictions can be effected.

PRESENT MEANS OF OVERCOMING RESTRICTIONS.

We have stated that the Founders of Colleges have not left any permission to alter their Statutes, and that the limitations on the choice of electors to Fellowships being definite, and likely, for the most part, to be defended by interested parties, have been on the whole adhered to. There may be Colleges which have no wish to see them removed. But some Societies, anxious to secure the services of able men, have done something for themselves by explaining statutable limitations as mere preferences which were of little moment. It has been thought that more extensive relaxations might be obtained in this manner. Visitors, again, have endeavoured, in a few cases, to effect changes of this kind. At Balliol a Statute regarding the age and election of the Candidates for Scholarships was wisely rescinded in 1834 by the joint act of the Visitor and the College, though in defiance of the Statutes, which forbid alteration. All Souls and New College (as we have stated) called in the authority of their Visitor for the purpose of limiting the number of Founder's kin, whom they are bound by their Statutes to receive in preference to all other candidates. We are aware of the mode of interpretation which is applied in our Courts of Law to Acts, more particularly to early Acts, of Parliament. But even if there were no injunctions of Founders and no oaths to bar alteration, we think that this mode of interpretation, if applied to College Statutes, would, for many reasons, be found inconvenient and inadequate. Not many years back the Society of Emmanuel College, Cambridge, having applied for an alteration of their Statutes, Sir William Follett, then Your Majesty's Attorney-General, having considered the reasons which were urged for this mode of interpretation, concluded that although it might suffice to explain away certain difficulties it would not fully meet the case, and he advised Your Majesty's consent to a total alteration, as requested by the Society. The opinion and authority of so eminent a lawyer will, we apprehend, be conclusive in the minds of most persons. But, even if the means which the law provides were sufficient, it would be better to deal with the case frankly by means of a direct enactment than to attain the end by means which, though justified by legal analogies and precedents, often resemble what Waynflete, in a passage already quoted, characterized as "sinister interpretations foreign to the scope of his intention." It is an evil that men should be forced to do by indirect means what is right and honourable in itself. And granting that the decisions of Courts of Law and of Visitors were always sufficient, it by no means follows that Colleges would have the will or the courage to adopt what seems to set aside the injunctions of their Founders.

EXPLAINING AWAY STATUTES.

DECREES OF VISITORS FOR SAME PURPOSE.

See Mr. Dampier's Sub-Report.

2 Inst. and Plowd. Index. Tit. "Statute."

THOUGH SUFFICIENT THEY WOULD NOT BE USED.

CONCLUSION WITH REGARD TO REMOVING RESTRICTIONS OF BIRTH-PLACE AND PARENTAGE.

For many reasons therefore, and amongst others, because the property of Colleges is not and cannot be applied as the Founders directed; because it is now often made useless, and sometimes worse than useless; because experience has shown that the efficiency of a College, and the services which it renders to the University, are in direct proportion to its freedom from restrictions; because the particular restrictions imposed by Founders now really defeat their paramount objects, and are wholly unsuited to the present state of the Empire; because the changes proposed are by no means greater than those which the Colleges have already admitted in almost all respects; because such changes are essential to the success of almost any attempt to increase the numbers, to extend the studies, or to improve the instruction of the University; and lastly, because the Colleges cannot remove restrictions without external assistance; we are of opinion that the Legislature should relieve College Foundations from all limitations in the election of their Members, whether arising from birth-place or parentage. We are of opinion, that all Your Majesty's subjects should be equally eligible. "It would be wise," says the Bishop of St. Asaph, "where possible, to open Foundations to "persons born in the colonies; ties such as these bind human beings more "than fleets, armies, or Acts of Parliament."

Evidence, p. 164.

EXCEPTIONS IN FAVOUR OF SCHOOLS AND THE PRINCIPALITY OF WALES.

In the application of the general principle, there should, however, in our opinion, be two exceptions: the first, in favour of Schools connected with Colleges; the second, in favour of the Principality of Wales, to which a part of its exclusive rights at Jesus College might with propriety be reserved. But as these exceptions relate chiefly to Scholarships, not to Fellowships, our reasons will be best stated hereafter.

OTHER RESTRICTIONS:

Besides the local and family restrictions imposed by Founders, there are some others, namely, those which confine Fellowships to persons of a certain age, or of a certain academical standing, and to persons who are or have been scholars of the College.

OF AGE,

The restrictions of age are rare, and, comparatively speaking, unimportant. At All Souls and Jesus College, the Fellows at the time of their admission, must be between the ages of 17 and 26. The age at which Students now come to the University is so different from that at which they came in the times when the Statutes were imposed, that any regulation on this subject have become objectionable, and ought to be removed.

OF ACADEMICAL STANDING.

What we have said of the restrictions of age applies with greater force to restrictions of academical standing. Some Fellowships, as at Queen's, are confined to Masters of Arts, some are open even to Undergraduates. These restrictions were imposed, when, from the early age at which Students entered the University, the relative signification of all the Degrees, as marks of academical standing, was very different from that which they now bear. The Degree of a Master then was what the Degree of a Bachelor is now; and it was on this ground that, at Queen's, a Bachelor of Arts was very recently elected to a Fellowship, to which by Statute only Masters are eligible. What was in this case done unstatutably, should be rendered lawful generally, in order to save Colleges from the great evil of excluding candidates from Fellowships, at the very period of their career when a Fellowship is most valuable. On the other hand, there is in the present state of things, no reason why Undergraduates should be eligible to Fellowships. Fellowships having ceased to be what they were once, means of supporting actual Students, Undergraduate Fellows are now placed in an anomalous position, often injurious to themselves, and inconvenient to the rest of the body. We are, therefore, of opinion that the Degree of Bachelor of Arts ought to be a qualification for a Fellowship, but that no other requirements as to academical standing, should be made.

NO ONE TO BE ELECTED FELLOW BEFORE THE DEGREE OF BACHELOR OF ARTS.

RESTRICTIONS TO SCHOLARS IN THE SAME COLLEGE.

It is a much more serious evil that many Fellowships are restricted more or less closely to those who are, or have been, Scholars on the Foundation. This connexion is enjoined by the Statutes of Corpus, of Trinity, of Wadham, of Jesus, of Pembroke, and of Worcester, and by the regulations of the Bennett Foundation at University College. It is also the case by practice, though not by Statute, at Magdalen. A similar preference, by long custom made absolute exists at Queen's. In a large College, like Trinity at Cambridge, where the Scholarships are open and given by merit, and where the Fellows are elected from the Scholars but only after an Examination, this restriction is of little importance; and, as tending to draw a great Society into closer harmony, may be even beneficial. But in small Colleges where the Fellows succeed, as must be the case if there are but few Scholars, without competition and almost as a matter of course, the limitation is injurious alike to the Society and to the individual Fellows. It is injurious to the Society, not merely because it is obliged to elect its Head and Fellows from a very narrow circle, but because the evils which once grow up within that circle are thus perpetuated. It is injurious to the individuals, because the prospect of a provision for life, thus offered to a Student at the outset of his academical career, has a natural tendency to damp his energy and industry. "In all cases," says Mr. Temple, "it is most important to forbid Scholarships to lead to Fellow-
"ships. It is extremely hurtful to give young men, on first coming up, a pro-
"vision which makes all future exertion unnecessary. Nor does it seem
"advisable even to allow a cæteris paribus preference to Scholars standing for
"Fellowships in their own College: a preference will be given involuntarily
"by the turn of the examination, and it is not advisable to add to this preference.
"To show how marked that preference is, it may be observed that at Balliol,
"where ten of the twelve Fellowships are quite open to members of other
"Colleges, eight of the ten are filled by former Scholars of the College."

Evidence, p. 131.

Evidence of Mr. Bart. Price, p. 61.

We are of opinion, therefore, that this connexion between Fellowships and Scholarships, should cease, wherever it exists, and inasmuch as the same evil is found under another name at New College, Christchurch, and St. John's, where the Studentships or Fellowships differ from Scholarships only in name, and are given to young men as soon as, or even before they enter the University, in these Colleges we shall have to recommend that a division be made between Undergraduate and Graduate Fellowships, so that those who have held

the former should no longer have the claims which, according to the present practice, they have upon the latter.

REMOVAL OF RESTRICTIONS ON THE TENURE OF FELLOWSHIPS.

Having shown the necessity of removing all limitations which prevent Colleges from electing the ablest men as Fellows, we now proceed to speak of certain statutable obligations to which Fellows are liable after they have been elected, and which often deprive the Colleges and the University of persons whose services are valuable. They are:—1st. The obligation to Residence. 2ndly. The obligation to take Holy Orders. 3rdly. The obligation to Celibacy. 4thly. The obligation to resign a Fellowship on coming into Property. 5thly. The obligation to proceed to the superior Degrees.

REMOVAL OF THE OBLIGATION OF RESIDENCE.

I. We are by no means disposed to impair the value of Fellowships as rewards by annexing to them the statutable condition of Residence. It is not possible, and if it were possible, it would not be desirable that such communities as the Founders contemplated should ever be restored; and a large number of unoccupied Fellows emancipated from any rule of life, and residing in Oxford, would injure rather than benefit the University. We have before stated that this obligation is nowhere enforced; but it is unquestionably one which was regarded by every Founder as essential, and which is, as such, enjoined in every code of Statutes, and it ought therefore to be abolished by competent authority. When the University shall have been put in a condition to offer sufficient inducements to enable it to retain the ablest men in its service, it may with safety leave them to follow their inclinations. Fellows thus elected may safely be allowed to pursue the career which they deem best for themselves. They will serve the University in their several professions more effectually than they could serve it by Residence within its walls.

REMOVAL OF THE OBLIGATION TO TAKE HOLY ORDERS.

II. The great majority of Fellows are compelled to take Holy Orders, either by the Statutes or by the Bye-laws of their Colleges. As regards those who are induced to take upon them the vows of the Christian Ministry, solely or mainly, because of the loss which a refusal to do so would involve, the effects of such an obligation are manifestly evil; and the removal of this obligation would be the removal of a scandal from the University and the Church. We are of opinion that this reason is of itself sufficient to justify an enactment relieving Fellows of Colleges from the necessity of taking Holy Orders.

This rule, like many others, was imposed in consequence of circumstances which have long since passed away. At the time when most of the College Statutes were framed, the Orders in question were those of the Roman Catholic Church. Clerical Fellows were required in great measure for purposes which are now illegal, such as saying masses for the dead. Besides, the religious purposes abolished at the Reformation form only a part of the reasons for which this obligation was imposed. It has also been rendered unnecessary by the change which has taken place in the relations of the clerical order to the other learned professions. Ecclesiastics were the lawyers, the ambassadors, the architects, the historians, the scholars, and the philosophers of mediæval times. The "first clerical tonsure" enjoined on all the Fellows of All Souls, New College, Magdalen, and Corpus, was probably regarded rather as a security for study than as a means of increasing the number of ministers devoting themselves to peculiarly clerical offices.

Evidence of—
Mr. Lake, p. 173.
Mr. Foulkes, p. 161.

It may be said, indeed, that the presence of a large clerical element in Oxford is very valuable; that it is to its connexion with the Church of England that the University mainly owes its greatness; and that the removal of the obligation to become clergymen would, in some degree at least, diminish the closeness of that connexion. We admit the force of such considerations; but it must be remembered that these advantages have cost much. The University has been, at various times during the last three centuries, the focus of theological controversy. If it be desirable that moderation and a spirit in harmony with the institutions of the country should prevail among the Ministers of the English Church, it is important that the zeal of their instructors in its chief seminary, should be tempered by the calmer judgment of lay-colleagues, who would themselves imbibe the moral and religious tone of the clerical circle in which they lived. It is probable that, even if the rule were abrogated in all the Colleges, the great bulk of the resident teachers in Oxford would after

all remain clerical. It is from a deliberate preference, founded on the highest motives, that many of the Fellows of Colleges become clergymen; and by the removal of the obligation to take Holy Orders, under the penalty of losing a Fellowship, we should only take away one of the inferior motives. None of the Fellows of Wadham College are now bound to take Orders, but the majority of them do in fact become clergymen. The advantages of removing this restriction are powerfully stated by Professor Vaughan. He says:—"In many of the "Colleges, I believe in most, laymen are not permitted to hold the Fellow- "ships permanently. This has been an evil, and will be a greater one if the "birthplace restriction is removed, and at the same time the clerical restriction "is retained. It has already prevented laymen who may have distinguished "themselves in their academical career, from obtaining the due reward for "their industry; it has prevented some from devoting themselves to literary "and scientific pursuits, who may have had a real call to such occupations, "without feeling any such call to 'preach the gospel,' as Ordination pre- "supposes. It has exposed the University to the shock and disturbance of all "ecclesiastical agitation, by reason of the so *exclusive* predominance of this one "Profession, so that the studies have been arrested, and the qualifications of "men for high academical offices and duties altogether misjudged in conse- "quence of the struggles for ascendancy for particular parties in the church. "It was notorious on one occasion, that the Chair of Political Economy was "*assigned* to a gentleman by a religious party, in consequence of his supposed "orthodoxy, on a purely ecclesiastical question, and their countenance and "support was again withdrawn from him on account of a supposed heterodoxy "on another religious point. The Professorship of Poetry was contested on "religious grounds, by two parties in the Church; the election of the Vice- "Chancellor was interfered with and embarrassed, and the University much "agitated in consequence, by a religious party who wished to signify their "disapproval of the conduct of the Hebdomadal Board. In fact, the entire "devotion of our institutions to the Clerical Profession has been in many points "of view, disadvantageous. I should regret to see any other profession substi- "tuted in its place; I think we are far better with an University of clergymen "than with one of lawyers or soldiers; but the exclusive prevalence of this "order, has, I think, in addition to the evils above mentioned, produced even "a jealousy and fear of certain sciences which the members of a University "ought to encourage. The inconvenience resulting from this arrangement has "not always been through the distinct opinions and prejudices of individuals, so "much as through the general tendencies of the whole body so composed; and "it must be recollected that the relation of the Clergy to learning, literature, "science, the arts and professions, is utterly different from what it was in "former days. I think, therefore, that the restriction which confines Fellow- "ships and the benefits of Fellowships to Clerks in Holy Orders ought to be "very largely relaxed."

Evidence, p. 89.

Compare the Evidence of—
Mr. Temple, p. 130.
Mr. Jowett, p. 36.
Mr. Conington, p. 115.
Sir C. Lyell, p. 122.
Mr. H. Cox, p. 97.
Mr. Bonamy Price, p. 194.

CELIBACY OF FELLOWS GENERALLY TO BE MAINTAINED.

III. It has been strongly urged in some portions of Evidence that the permission to marry accorded to the Heads of Colleges should likewise be granted to the Fellows. The obligation to celibacy is not at present, like that of Orders, general only; it is universal. When the residents in Colleges were bound to lead a monastic life, and the support afforded them was a mere subsistence, it was impossible for the question to be agitated. The establishment of a Protestant Church, and the increased value of their emoluments, have enabled the Heads to marry; but there appears no reason to doubt that they were in all but three very recent codes intended to be under the same restriction as the Fellows. In Wadham and Jesus Colleges their marriage is expressly forbidden. In all cases, however, the restriction has, as we have seen, been broken through, as regards the Heads, by custom, by permission of the Visitor, or by Act of Parliament. It is well known that the Fellows of Trinity College, Dublin, not long since, received formal permission to marry. But in the case of the Heads of Colleges there are many and obvious circumstances which render their position different from that of the Fellows, and there are strong reasons, to which we shall presently advert, against removing this restriction on Fellowships. The arguments for such removal are given by Mr. Conington: "The end (to be answered) I take to be twofold; to carry out the "Collegiate system within the walls, and to expedite the succession to Fellow-

Evidence of—
Mr. Grove, p. 29.
Mr. Conington, p. 116.
Sir C. Lyell, p. 122.
Mr. Congreve, p. 153.

Evidence, p. 116.

"ships by increasing the chance of vacancies. The first thing to be observed "is that these considerations, taken at their best, obviously apply to a part "only of the body of Fellows, not to the whole. . . . Those for whom resi- "dence within College walls is desirable are clearly the Tutors: those whose "Fellowships it is important to make terminable must be the sinecurists and "the non-residents. Here then, . . . the Student Fellows may be excepted at "once, as there can be no object either in making them live in College or in "removing them from their Fellowships after a certain time, provided of "course that they disclaim all intention of taking part in College Tuition and "really devote themselves to literary pursuits. The smallness of their income "may stand in the way of their marrying; but that is palpably a considera- "tion for themselves alone, not, as some have supposed, for the public. "Besides, in their case the restraint is peculiarly harsh, as they may be "supposed willing to regard their Fellowships not as a stepping-stone to any- "thing out of Oxford, a College living or professional advancement, but as a "means of preserving a life-long connexion with the University. Even with "regard to the other Fellows, the necessity of the rule is not so clear as "appears at first sight. So long as married Heads of Colleges occupy a part "of the College buildings, a proposal to allow a similar privilege to married "Tutors is not to be treated as an absurdity, much less to be put down by "paltry sneers about domestic details. It is plain, too, that the succession to "Fellowships might be expedited in some other way than by making vacancies "contingent on marriage. As things are at present, a clerical Fellow rarely "thinks of marrying before he gets a living; or a professional Fellow before "he is making a reasonable income in his profession. According to the "existing rule, a living vacates a Fellowship, and the possession of a certain "professional income might be made to do the same under proper conditions. "It may be said that the stimulus of compulsory celibacy is required as an "inducement to Fellows to take livings or exert themselves in a profession; "but surely this is an exaggeration. Useless Fellows are an evil in any case, "and should be treated as such; but the way to get rid of them is by direct "means, open election, which insures the choice of proper men, and the im- "position of certain duties, which is a guarantee against subsequent indolence. "Besides, it would be perfectly possible to make a certain number of Fellow- "ships terminable *ipso facto* at a certain time, without any condition whatever, "so as to secure a regular recurrence of vacancies. I have said thus much to "show why I think the restriction of celibacy unnecessary, at least in its present "extent. But even if it could be proved to be necessary for its particular "object, it would by no means follow that the price paid might not be too "dear for the advantage gained. But for the apathy which exists on the "subject, it would be needless to say that there are social evils transcending "in importance any consideration of academical expediency; and as such I "conceive no unprejudiced person can fail to regard the existence of a body of "men bound to celibacy. The position of College Fellows as persons to whom "the younger students might naturally look for moral sympathy or direction, "tends further to complicate and aggravate the mischief. I can hardly "suppose that I am called upon to anticipate objections drawn from either "monastic or economical considerations, though I am far from thinking that "my argument would be weakened by a reference to either. Difficult as "these larger questions may be, there can be no difficulty when the sole point "involved is the existence of a local prohibitive law, to which there is "nothing analogous in the rest of society, at least within the English Church. "Were it not for the isolated and impracticable position of the Universities, "which excludes them from public sympathy, it is hard to believe that Parlia- "ment would not have long since interfered to do away with so tyrannical and "injurious a restriction. And now that the University question is to be "brought before the Legislature, I can only hope that neither prudery, nor "indifferentism, nor the fear of ridicule, will prevent those who are charged "with the duty of making a report from representing fully the seriousness of "the grievance complained of. My convictions are strong, yet I should have "hesitated to express them thus strongly, if I had not felt the case to be one "where few voices are likely to be raised, and consequently where everything "that is said has need to be decided and emphatic."

Notwithstanding the force of these arguments, we are of opinion that it would

not be desirable to repeal generally the restriction in question. It would, we think, be inconvenient, if not impossible, to carry on the College system, if the Fellows who are Tutors should be allowed to marry. Several able men who have vacated their Fellowships by marriage, have indeed been permitted by the Heads of their respective Colleges to retain their office as Tutors; and it is probable that their example would be extensively followed if the requisite permission could be readily procured. But it has never been granted, we believe, to more than one of the Tutors in each College, and that only in Colleges which have at least three. Many, perhaps the majority, of the Heads, would refuse it on the ground that it would be injurious to leave the Colleges without the supervision of Tutors residing within the walls. Of the Fellows who are not Tutors few only could afford to marry; and we think, that non-resident Fellows, who are sufficiently wealthy to do so, and may, therefore, be presumed to have reached that condition to which a Fellowship is intended to lead, may fairly be called upon to make room for others requiring assistance to advance their success in life. We cannot, therefore, concur in the advice, that Fellows resident or non-resident should be allowed to marry. But we feel the force of the argument which Mr. Conington advances, that without such a permission, it will be very difficult hereafter, as it is found very difficult now, to retain men of ability in the service of the University; and we shall presently propose a scheme by which Professors, and other University Teachers, may be allowed to share in the emoluments of College Fellowships, though married.

See Evidence of—
Prof. Browne, p. 7.
Mr. Temple, p. 131.
Mr. Bart. Price, p. 61.

OBLIGATION TO RESIGN FELLOWSHIPS ON COMING INTO PROPERTY.

IV. The Founders of Colleges naturally enacted that all the members of the Foundation, the Head excepted, should resign all interest in the Charity, whenever they became owners of sufficient Property to support themselves at the University without assistance. This rule has been construed to apply only to real property, and not to personalty. It is needless to point out how entirely the spirit and even the letter of most of the Statutes is by this interpretation disregarded. But here, as in many other instances, we propose to set aside or modify openly injurious restrictions which the Colleges have indirectly evaded. Fellowships have now ceased to be merely provisions for maintenance; they are rather offices of trust and influence. We are of opinion that so far, at least, as regards the Fellows who are engaged in the administration of the College, in the education of its members, or in fulfilling the duties of University offices, all restrictions arising from the possession of Property are mischievous. It is desirable for the University to have Officers, Tutors, and Professors, with resources of their own, which thus become, in effect, endowments of the University. At any rate it is well that it should employ capable persons though they are rich, rather than less capable persons because they are poor. The existing restriction often proves a serious injury to Colleges by withdrawing from them Tutors at the time when they are perhaps most efficient. It would, indeed, operate beneficially by accelerating the succession to Fellowships, if it could be made to affect only those who had obtained them without any intention of devoting themselves to the service of the University. If it be thought expedient to retain the restriction for such a purpose, it will, at any rate, be necessary to make it applicable to owners of all kinds of property, and also to raise very considerably the amount of income which would entail the loss of a Fellowship,—say, to 500*l.* a year, the limit lately fixed for vacating the newly-founded Sheppard Fellowship at Pembroke College. We think also that any one who accepted clerical preferment, or any office secured to him for life, which made it impossible for him to reside in Oxford, should be required to vacate his Fellowship, though the proceeds of his office or benefice were of a much smaller amount,—say, 250*l.* a year,—on the general ground that he could no longer be of service to the College. In all such cases the Visitor should have power to allow a person to retain his Fellowship on the representation of the Society that his services as a Teacher or College officer were required, whatever might be his private means.

Compare Evidence of Mr. Jowett, p. 36.

OBLIGATION OF FELLOWS TO PROCEED TO THE HIGHER DEGREES.

V. We have shown how entirely obsolete is the ancient system of Legal and Theological Study in Oxford, to which the College Statutes refer; how empty are the titles which are still conferred, except that of Bachelor of Arts, and how difficult it would be to give real value to the Degrees in Theology and Law. We need not, therefore, argue that it is useless and vexatious to compel Fellows of Colleges to incur the cost of taking these Degrees. In some Colleges the right of seniority and the amount of

emoluments depend in part on this. In other Colleges the failure to proceed in due time involves the loss of the Fellowship. This has occasionally occurred from forgetfulness or accident. Even in Colleges where the statutable injunction to proceed to the higher Degrees is observed as far as that of Bachelor, it is hardly ever observed as regards that of Doctor. We are of opinion, therefore, that no Fellow should be obliged to proceed to any Degree beyond that of Master of Arts, which is essential to the possession of the Franchise, and the right to vote in Convocation.

LIMITATION OF THE TENURE OF FELLOWSHIPS TO A CERTAIN NUMBER OF YEARS.

VI. The obligation of Celibacy and that of resigning a Fellowship on coming into Property, have, as we have stated, been defended on the ground that they accelerate the succession. Some persons are of opinion that this object is indeed desirable, but that it ought to be attained by a direct enactment, and several of those who have supplied us with Evidence have expressed an opinion that Fellowships should ordinarily terminate after a given period, after ten years for instance. "This change," says Mr. Henney, "would be productive of many advantages. Evidence, p. 209.
"It would cause a much more rapid succession, and thus make the bequests of Compare Evidence of Professor Browne, p. 7.
"Founders more extensively available than at present for the purposes of education. It would prevent Fellows looking to their Fellowships as a permanent "means of support, which can hardly have been the intention of Founders, "whereas they would enjoy such support for a sufficient length of time, fully "to qualify themselves for whatever profession they might adopt; and this "appears to have been, in fact, the general intention of Founders, or, at any "rate, it is a nearer approximation to such intention than is at present attainable." Mr. Bartholomew Price, who concurs in this view, is also of opinion, Evidence, p. 61.
that "in case a Fellow should be a University Professor, Public Lecturer, "College Tutor, or be very serviceable in the management of the financial "or other business of the College, or be continuously resident, . . . and be "devoted to study, it should be in the power of the College, with the Visitor's "consent, to reëlect him for life." If it should appear expedient to limit the tenure of Fellowships generally, it would certainly be necessary that Colleges should be enabled to retain those Fellows whose loss would be a serious evil. One of Your Majesty's Commissioners is favourable to the proposition which we are now discussing, provided always that the Colleges should have the power to reëlect those Fellows who had been, and were likely to be, useful in the Society or in the University.

But the change advocated in the Evidence just quoted is spoken of by others in terms of disapprobation. Archbishop Whately writes thus:—

"I suspect from the wording of some of the queries that some persons have Evidence, p. 27.
"offered, or are likely to offer, suggestions for the limitation of the Fellowships in time; as is the case now at Wadham, and the Michel Fellowships of "Queen's.

"I conceive that this would greatly impair the practical value of a Fellowship, without making much difference as to the succession.

"At Oriel, *e. g.*, the ordinary and average time that a man holds a Fellowship "is, I believe, shorter than at Wadham, certainly very much shorter than the "*time fixed* at Wadham.

"But a man who has no thought (as few have) of sitting down on a Fellowship for life, yet derives a great *consolation* from the reflection that *if* all his "other plans of life fail,—if nothing more desirable turns up,—he at any rate "has his Fellowship to secure him a decent maintenance and a respectable "position. He cannot be thrown at middle age upon the world (except "through imprudence of his own) to seek his fortune.

"I suspect, hardly any man who is elected to a Fellowship which he may "hold for life, would exchange it for one of half as much more, limited in "time, even though he should not at all contemplate holding his Fellowship "even for so long a time. It gives a feeling of *safety* to feel that the island "on which he has landed, though he does not *mean* to make his permanent "abode there, will not be overflowed by the sea, but *may* be used as his place "of refuge as long as he will.

"And he will be likely to feel a much more lively interest in the concerns "of the College when he is to remain, *as long as he pleases*, a member of that "Corporation."

We concur with the Archbishop. All our recommendations have been made with the view of rendering Fellowships rewards for past exertions, as well as

stimulants beforehand. When the reward has been fairly won, it is injurious to impose limitations without absolute necessity; and therefore till it shall have been proved by experience, that, contrary to our expectation, the changes which have been proposed have a tendency to lengthen the tenure of Fellowships inconveniently, we should be sorry to see any limitation of this kind imposed.

ABUSES IN ELECTION OF FELLOWS.

We have now gone through all the statutable obstacles to the usefulness and efficiency of College Fellowships both before and after Election. But there is one evil which, unlike those which we have just considered, has arisen, not in consequence but in spite of injunctions of Founders, and which cannot be directly reached by any legislative enactment. No duty is more solemnly enjoined in the Statutes than that of electing without favour, solely from regard to the qualifications of the Candidates proposed, and the best interests of the Society. These injunctions are to be found even in Colleges where the local or family restrictions are most stringent. But there have been at times great abuses in elections in Oxford. The gross corruptions against which the Act of Elizabeth guarded elections have, indeed, long passed away. The practice which prevailed so extensively in the last century of bestowing Fellowships and Scholarships from personal favour was broken through at the commencement of the present century by the noble example of Oriel and Corpus. But all evils of this kind have not yet disappeared. Colleges in which a strong local or class feeling prevails, and which are chiefly composed of persons who have been themselves elected without reference to their literary merits, so far from availing themselves of such discretionary power as they may possess for opening Fellowships, are apt to draw restrictions still closer than the Statutes enjoin. At University College it was not till 1837 that its four open Fellowships were made available for others than natives of Yorkshire or Durham, to whom only a conditional preference had been assigned by the Founders. At Queen's, the strong expression of the Founder's desire to open his College to all the world has had no practical effect; whilst a preference to natives of Cumberland and Westmoreland which was granted, in part at least, because of temporary circumstances, has been construed into an absolute exclusion of all others, and has thus been allowed to impair the usefulness of the Society to the present moment. The other restrictions which the Founder imposes are disregarded. The scholars of this College have by the Statutes a preference in election to Fellowships; but in practice the Fellowships are entirely confined to those who have been Scholars; and till lately they succeeded to Fellowships without any examination. A similar evil is sometimes found where the elections being in a few hands, the electors are able to combine easily, and thus to turn what should be the impartial judgment of a majority into a nomination by each of the electors in rotation. At Christchurch the Students, those from Westminster excepted, are nominated by the Dean and Canons in turn, the Dean having two turns. It is true, indeed, that many of those Dignitaries, especially the Deans, both in present and past times, have taken pains to make creditable appointments; but it is notorious that Studentships are often given as a matter of favour, and that the relatives or friends of Canons are likely to be preferred in that great College. Balliol, which now enjoys so high a reputation, was at the beginning of the present century regarded as one of the worst Colleges in Oxford. Its Fellowships and Scholarships, which were long bestowed as matters of personal favour, were, we believe, first thrown open to public competition by the exertions of its late and its present Head. It is well known that nominations to Winchester College, and thus eventually to New College, are not seldom promised within a few days from the birth of a child; and parents of the Founder's blood are obliged, like all others, to make interest for a nomination. The electors of Merton and All Souls Colleges are but slightly confined in their choice of Fellows; but it has been long felt in the University, and the feeling has not wholly passed away, that it would be useless for Candidates, however qualified, to present themselves if their claims were not supported by personal interest or high connexions, a practice for which the Statutes furnish no ground. Magdalen College, from its situation, its buildings, its vast revenues, seems to be marked out for the first academical institution in Oxford. Its actual position as a seat of education is amongst the least important. This inferiority is due in part to local restrictions. But this is not all. Besides the obstacles to its usefulness, which are found in the Statutes, there are others

Evidence of—
Mr. Temple, p. 130.
Mr. Jowett, p. 36.
Prof. Wall, p. 150.

introduced by practice, which the Statutes not only do not enjoin, but forbid. The three Fellowships which the Founder assigned, free from all restrictions, to the ablest teachers of Divinity and of Moral and Natural Philosophy to be found in the whole University, have been long bestowed on ordinary Candidates. A very distinguished scholar who should offer himself as Canditate for a Demyship (so we are informed by Mr. Senior), would not be rejected, nor a very bad one admitted; but as to Candidates of an intermediate character, success depends on the favour of one of the small number of College officers who nominate to them. The persons so elected are, by Statute, to hold their Demyships till their twenty-fifth year. But according to the present practice, persons once elected to Demyships are allowed to retain them till they succeed to Fellowships.*

Evidence, p. 17.

These cases, as Mr. Jowett observes, are "a disgrace and abuse peculiar to "Oxford. At Cambridge such elections are said to be unknown." They are in Oxford, as he says, "happily confined to certain Colleges."

Evidence, p. 36.

RECOMMENDATIONS FOR IMPROVING ELECTIONS.

For the purpose of improving the system of Elections, and preventing such evils, we would suggest that the electing body in each College should be too large to allow of personal nominations, and not large enough to destroy a sense of responsibility. In the smaller Colleges all the Fellows may, with comparative safety, be intrusted with the duty of electing the new members of the Foundation. But we are of opinion that to ensure, as far as may be, good Electors in the larger Colleges, a Board of Election, consisting of not less than twelve, and including all those engaged in the education in the Society, should be annually constituted in each College, and exclusively intrusted with the duty of examining the candidates and determining the election. At Christchurch the Board should, we think, be principally composed of the Tutors and College officers. The Dean would, of course, preside, and one or two of the Canons might advantageously be placed upon it.

It is hardly necessary to add that an election to a Fellowship should always be preceded by a bonâ fide Examination.

NOMINATIONS BY EXTERNAL BODIES.

In connexion with this subject, we must add our opinion that no corporations or individuals unconnected with the University ought to retain the power of nominating Fellows of Colleges. It is well known that such nominations have often been extremely discreditable both in their motives and results; and it can hardly be expected that they should be made with any view to the honour and interest of Colleges.

APPEAL FROM THE DECISIONS OF ELECTORS.

Still further remedies have been proposed for securing the purity of College elections. At present an appeal usually lies to the Visitor from Candidates who believe themselves to have been unstatutably rejected. Yet the Visitor has always felt himself compelled to leave to the Electors the ultimate judgment as to the merits of the Candidate. It has, therefore, been proposed that an appeal made on the ground that the best qualified Candidate has not been elected, should be entertained by the Visitor. And this might be the more necessary if the changes which we propose should be carried out. It is possible that in some cases, Fellows might be found to allege their Oaths as a reason for electing under the same restrictions as at present, even though their College should have been thrown open by Law. Again, if Fellowships should be set apart for the encouragement of the new Studies, it would be difficult to answer for a fair election by persons for the most part ignorant of those subjects, and perhaps averse to them. And if Students should be allowed to lodge in private houses, without being subject to connexion with any College or Hall, they may perhaps be regarded with little favour by Electors. Such suspicions at all events can hardly fail to be entertained. If, then, a College should notoriously adhere to its old rule of Election, or if University distinctions should

See Evidence of Professor Vaughan, p. 91.

REASONS WHICH MIGHT MAKE THIS NECESSARY.

* After our Report was in type, the following paragraph appeared in the *Morning Chronicle*, March 23, 1852:—

"Magdalen College, Oxford.—An important decision affecting the future management of this "College, has just been come to by the President and Fellows. The demyships which, up to this time, "have been appointed to by the individual Fellows in rotation, are now to be competed for by examination. "It has been determined also to receive Commoners for education, as at other Colleges. These are both "departures from the exact letter of the Statutes, none of these early foundations being designed for "general education; but it was wisely considered that, as they have in other respects for their own "convenience, as for instance in regard to the residence of the Fellows, relaxed their Statutes, they should "make some compensation by undertaking duties not originally belonging to them. The same step "was taken about a year since by Corpus Christi College, so that now New College and All Souls stand "alone, in not receiving Undergraduates beyond those who form part of their original foundation."

prove beyond doubt the superiority of the rejected candidates, it might become necessary that the Visitor should have power to issue a Commission of Inquiry, and in case of need to reverse the election. But we are unwilling to anticipate evil; and we are of opinion that it will be better to trust to the influence of public opinion on the Electors, and to their perception of the true interest of their Colleges, than to expose them to incessant appeals.

Besides the evils we have mentioned in connexion with the election to Fellowships and their tenure, considerable inconveniences result from the disparity which sometimes exists between Fellowships in various Colleges. They differ, first, in their emoluments; and, secondly, though not so commonly, in the privileges which they confer.

LIMITATION IN THE VALUE OF FELLOWSHIPS.

1. Fellowships vary from 20*l.* a-year to almost 500*l.*; and they are not always of the same value in the same College. The larger of the amounts just named represents the income of but a few senior Fellows, and that only in one, or perhaps in two, Colleges, namely Magdalen and Brasenose. In Brasenose College the duty or the power of sealing leases belongs to a seniority of six, and all fines or foregifts are divided between those who are intrusted with it. This practice is understood to have been confirmed by the Visitor on an appeal from the Junior Fellows; but it is at variance both with the letter and the spirit of the Statutes, and is injurious to the best interests of the Society. The income of a Junior Fellow in that College is supposed not to exceed 80*l.* a-year. In some Colleges the difference in the value of Fellowships arises from the fact that the Fellowships were founded by different Benefactors, and that there has been no subsequent amalgamation of revenues. That there should be some difference in the value of a Fellowship in the several Colleges may perhaps not be prejudicial, but the difference should not be so great as to make it impossible or difficult for any Society to obtain a supply of able Tutors. All alike are to be places of education; all alike, therefore, require the services of persons capable of imparting the best instruction. Nor is it desirable that the income of the Fellows in the same College should vary greatly. It is important at any rate that they all should have identical interests, and that their emoluments should be drawn, as in most Colleges, from a common fund formed of all the divisible income of the Society. We are of opinion that 300*l.* a-year, including all emoluments whatsoever, should be the maximum, and 150*l.* a-year the minimum value of Fellowships; that in cases in which the divisible balance would yield a larger share, the Scholarships should be increased in number, or in value, or in both; and that, on the contrary, in those Colleges where the value of the Fellowships would fall below the smaller sum specified above, the number of Fellowships should be reduced until a larger number could be adequately supported. Such measures would be in accordance with the spirit of the regulation, enjoined in many Colleges, but observed in none, that the number of Fellowships shall be increased in proportion to the increase of the property.

Compare Evidence of Mr. Barth. Price, p. 61.

ALL INEQUALITY ARISING FROM BYE-FOUNDATIONS TO BE REMOVED.

2. Fellowships differ as to the privileges they convey. Foundations of which the Fellows are on a footing more or less inferior to those of the original Foundation, though not so common as the 'Bye-Foundations' of the Colleges at Cambridge, do exist in Oxford. The Finney Fellows at Worcester; the Michel Fellows at Queen's; the Bath and Wells Fellow at Lincoln; the Phillips' Fellow at Pembroke, are the only cases which have come to our knowledge. "Some Colleges," says Archbishop Whately, "are what may be "called *federal*; distinct foundations for different sets of Fellows, all of whom "do not take part in all elections. I recollect the cases of Queen's, Pembroke, "and Worcester. I should say that either all the Fellowships should be *thrown* "*together*, or else the Colleges *divided*. It would be, for instance, much better "that Worcester should be divided into three perfectly distinct Colleges, than "that it should remain in its present state; best of all, perhaps, that all should "be thrown together. The inconveniences of the half-and-half condition are "obvious, and there is no one advantage to counterbalance it." Some of these Fellows are mere Exhibitioners, having no voice in the management of the affairs of the Society, and though they may be superior in every respect to the Fellows of the original Foundation, from being chosen under no restrictions, are not eligible to the Headship and other offices. In other cases the line of demarcation is less complete, but the disparity is still an evil. It is not so

Evidence, p. 27.

common to find men of merit to serve College offices, as to render it indifferent that even one Fellow should be ineligible. Entirely concurring with the Archbishop of Dublin, we are of opinion, that, on any revision of the Statutes, it should be enacted that all Fellows, as such, should have the same privileges, and be equally eligible to all offices.

ECCLESIASTICAL PATRONAGE OF COLLEGES.

We may here add a few remarks on what is generally regarded as the natural termination to the tenure of a Fellowship; we mean the Benefices in the gift of Colleges. As there is now but little prospect offered of obtaining a permanent settlement in the University, and as the majority of the Fellows are obliged to take Orders, most of them are naturally anxious for clerical preferment. For this reason, Colleges are eager to obtain advowsons, and some of them set apart a portion of their revenues for the purpose of purchasing them. This patronage is a means of providing permanently for a large number of Fellows; and it is thought that a more rapid succession may thus be caused. But it is very doubtful whether either literature or the Church derive any benefit from the ecclesiastical patronage of Colleges. That a College should be deserted by any of its abler men in their full strength, for a country living, in which they are for the most part lost to learning, is a great evil, even when they are succeeded by young men of promise. It is doubtful, too, whether on the whole the succession is really accelerated. The prospect of a benefice often prevents expectants from exerting their energies, or settling in life as early as they otherwise would. On the other hand, Colleges are not good dispensers of patronage to their own body. It is a "rule of peace" in them to offer vacant benefices in succession to the Fellows according to seniority, without any regard to their qualifications for the office. A very immoral person, if such there were, would be passed over; but the most important livings may be claimed from generation to generation by elderly men, who have lingered in the College for many weary years, in hopes of the particular preferment which they eventually obtain, till they are fit neither for the post which they have coveted, nor for any other. If benefactors should be willing to give advowsons to Colleges, it might be inexpedient to forbid the acceptance of their bounty; but, in our opinion, the revenues of the Colleges themselves ought not to be applied to the purchase of preferment. If the obligation to take Orders should be removed, the patronage of Colleges would virtually be increased, and their mode of dispensing it probably improved.

REMOVAL OF RESTRICTIONS NOT SUFFICIENT, WITHOUT SOME CHANGE IN THE DISTRIBUTION OF THE COLLEGE REVENUES.

We have now gone through the various obstacles, the removal of which appears to us essential, to fit the Colleges for taking their proper part in the great work of education. But in order to meet the wants of the University and the country, something more is required than to render it imperative to elect the most able candidates who can be found. This would not render the endowments of Colleges more available than they are at present for supporting actual Students, nor would it give to the University a body of teachers devoted to learning and science. To effect this, however, no violent innovation is required; no invasion of the proprietary rights of Colleges; no application of their revenues to purposes other than those to which they are now, though but partially and incompletely, subservient. The Revenues of Colleges may be regarded, when usefully employed, first, as stimulants and rewards for Students; secondly, as endowments for Teachers. We are of opinion that all that is needed is to alter to some extent the proportion in which the Revenues of Colleges are distributed between these objects.

MODE OF RENDERING THE REVENUES OF COLLEGES GENERALLY USEFUL.

In discussing this important subject, we purpose first to indicate the extent of the advantages which will be offered to Students by the measures we have already recommended in regard to Fellowships. We will then proceed to show the necessity to which we have already adverted, of setting apart a certain number of Fellowships in every College for the encouragement of those branches of learning which now form part of the University course, but which are not likely to be fostered by the hope of Fellowships, unless such a measure be adopted. We shall next point out how the revenues of Colleges should, in conformity with the purposes of Founders, be applied to support actual Students. Finally, we shall suggest how, in conformity with the most useful application of such endowments in modern times, a portion of the College Revenues might be applied to support Instructors of a higher order.

We have to speak first of the advantages likely to be offered to Students generally by the opening of Fellowships.

I. NUMBER OF FELLOWSHIPS LIKELY TO BECOME VACANT EACH YEAR.

I. It is calculated that the present length of the tenure of a Fellowship is about ten years. Supposing that such changes in the distribution of the incomes of the Colleges as we shall presently recommend should take place, it is probable that even then not fewer than thirty-five will become vacant, and be thrown open to competition every year. The number of first classmen in Literæ Humaniores and in Mathematics has, on the average of the last ten years, been about thirteen a year. Supposing, then, that the new Schools should produce as many, there would be Fellowships sufficient for all who had, and for a considerable number of those who had not, attained the highest distinctions. Several of those, moreover, who had gained the highest honours, would not be likely to become candidates for Fellowships. The University would thus be enabled to offer a sufficient provision to one-eighth of its Graduates, in case their present number should not increase; and, even if the increase should be as great as can reasonably be expected, it may be calculated that still a large proportion of those who graduated would, at the close of their career, be placed in a position of present and prospective honour and emolument. No other place of education in the world can offer such incentives to industry.

II. APPROPRIATION OF CERTAIN FELLOWSHIPS TO THE NEW STUDIES OF THE UNIVERSITY.

II. We proceed next to show the necessity of appropriating certain Fellowships to the new Studies adopted or to be adopted in the Academical Course.

It might seem at first sight more in accordance with the spirit of our recommendations, that the Electors to these numerous Fellowships should be left entirely free to fill up vacancies with candidates eminent for their attainments in Classical Scholarship, Mathematics, Jurisprudence, or Physical Science, in what they might deem a just proportion, than to propose that a new limitation of any kind should be put upon their choice. But, as we have already intimated, the experience of the University in respect to Mathematical Studies renders it doubtful whether such an expectation would be realised. Candidates for Fellowships, whatever be their proficiency in Mathematics, are never elected on that score, except when the College is in want of a Mathematical Tutor; and we fear that the same result would follow in respect to the new sciences, unless Electors are compelled to acknowledge their claims.

Evidence, p. 128.

"It will be quite impossible," says Mr. Temple, "to make either Physical or "Mathematical Science flourish in Oxford by means of barren Honours, if all "places of emolument and influence are appropriated to success in Classical "Studies. The Honours cannot stand alone. Where the substantial rewards "are, there, on the whole, will be the press of competition; where the com-"petition is, there will be the glory. To remedy this, a certain proportion of "the Fellowships at some of the larger Colleges should be assigned entirely to "these subjects."

Evidence, p. 90.

"I think," says Professor Vaughan, "that the Fellowships should be opened "practically to merit in all branches of learning which the University system "now recognises. At present they are practically devoted to the Literæ "Humaniores: the Examination at most Colleges is traditional, and the only "merit recognized in the award of Fellowships is classical knowledge and "taste, and the power of dealing with moral and historical questions,—depart-"ments of prime importance and great value, but no longer deserving exclusive "ascendancy. When a Mathematical Tutor is wanted in the College, an "exception is commonly made in the principle of election; but as a general "rule, even mathematical attainments are disregarded in the choice of Fellows, "and the consequence has been, that, in spite of distinctions, classes, and scholar-"ships, the study of Mathematics still languishes. The number of candidates "for Honours does not increase: the reason is not doubtful; Mathematics in "Oxford are a bad investment for intellectual, physical, and pecuniary capital. "The Fellowships are the first substantial return for all the money and toil "and self-denial involved in an intellectual education. The prospect of a "Fellowship closes the vista; it leads the eye, and *directs* the energies, as well "as animates them. On this account, notwithstanding all the honorary and "titular encouragements given to Mathematics, they are practically discouraged. "This consideration is *one of vast importance in its bearing on the recent extension "of University Studies.* If it be seriously desired and intended to give vitality "to new Studies, we must operate upon the Fellowships for this purpose. If "the course of things is left to itself, the traditional system of election will

" probably prevail in the Colleges. The Examinations will embrace the old " topics ; the new either will not be admitted, or, if introduced, will but lightly " or occasionally affect the election. Thus, under a system nominally compre- " hensive, we may find our actual course as narrow as ever in its range, and " perhaps even less energetic than before ; for if the Fellowships be opened " to merit, and this merit consist in the classical proficiency of persons destined " to Holy Orders alone, the standard of excellence will fall, even in classical " subjects, lower than at present. Let us suppose thirty Fellowships vacant " every year in the University : under this system, every second-class man in " classics might be sanguine of obtaining one. In lieu of the few Fellowships " now open to competition, and stimulating to great exertions, the numbers will " be largely multiplied, and the pressure of motive to exertion be proportionately " lowered. I do not mean to state that an encouragement to mediocrity has " not its advantages: it is better to be in the middle than at the bottom, to be " indifferently good than bad. But I think that those who seriously consult the " improvements of our institutions cannot be content with such: I would pro- " pose, therefore, *that a certain number of Fellowships in each College should be* " *specifically devoted to certain branches of learning.* This arrangement, I believe, " and this alone, will secure the cultivation of all valuable knowledge—classical, " historical, theological, philosophical, mathematical, and physical. I do not " suggest that all the Fellowships in each College should thus be assigned to " specific studies ; some should be left free to the tastes of the Fellows and the " particular needs of the College to determine : this would give freedom and " elasticity to the system. The best men in each department would, of course, " compete in those Colleges in which the Fellowships are most valuable ; and " for this reason, amongst others, it is not to be regretted that College Fellow- " ships are not of equal value. . . . . This destination of many Fellowships " to particular subjects, I repeat, appears almost necessary to the encourage- " ment of great exertions. . . . . Let it not be supposed that the principle of " such an arrangement is an entire departure from the principle on which the " Fellowships were founded ; on the contrary, it is a return to a system from " which the Colleges have gradually swerved. Two things are observable in " the foundation of College Fellowships. The first is, that they were instituted " very commonly to promote the study of particular sciences. In Oriel College " these sciences were Theology and Civil Law : some Fellowships were assigned " to one study, and a fixed number in the same way were devoted to the other. " The second point to be observed is, that the sciences so selected for exclusive " cultivation by the Fellows elected to them were the *sciences of the age.* When " the study of the Civil Law came into existence, the Collegiate Foundations " straightway adopted it, and in consequence we find the older Colleges of " Oxford endowed with Fellowships of this description. On the revival of " learning again, when the classics were becoming an object of interest, investi- " gation, and instruction, we find that Fellowships were established for the " express purpose of cultivating and diffusing the knowledge of Greek and " Latin. . . . . Therefore, in devoting some Fellowships to specific Studies, " and including amongst them the mathematics and the mental and physical " philosophy of recent centuries, we should not merely amend the practice of " our institutions wisely, but amend them also in the very spirit of their original " creation."

At some future time, perhaps, it might be possible to dispense with the rule of appropriation ; but we are of opinion that, so long as the old influences work, and it will be long before they cease to work, the recommendation so ably urged by Professor Vaughan should be adopted.

APPLICATION OF THE COLLEGE REVENUES TO STIMULATE AND REWARD THOSE WHO HAVE NOT YET ENTERED THE UNIVERSITY.

III. Hitherto we have spoken only or chiefly of the changes to be made in the Revenues of Colleges, so far as regards Students who have completed their course of Academic study. The recommendations which we have laid before Your Majesty would, we believe, effectually convert them into stimulants and rewards for the Students who have already become members of the University, and thus give greatly increased effect to its system of instruction. But we must not forget that the University is nearly as deeply interested in the excellence of the Schools throughout the country as in the excellence of the Colleges of Oxford, and that the endowments of Colleges may be used to mould and incite the Schools by encouragements in the form of Scholarships, as completely as the system and the character of the Colleges would be influenced

if such measures as we have hitherto recommended should be carried into effect.

INCREASE IN THE NUMBER AND VALUE OF SCHOLARSHIPS.

We have shown that the original object of Foundations was to support poor Students in their education at the University. These Students in the older Colleges entirely, and in all the Colleges to a great extent, consisted of the Fellows. But in more recent times, to these older Scholars or Fellows was added a class of younger Students, to whom the name of Scholar has since been exclusively applied, and who are now the chief representatives of the body of learners for which the College endowments were originally given. These Scholarships, whether part of the first Foundation, or endowed by subsequent benefactions, have not, generally speaking, increased in value in the same ratio as Fellowships in the same College.

See Evidence of Mr. Jowett, p. 36.

We are of opinion that it is a matter of the highest importance that Scholarships should be augmented where they are of inconsiderable value, and that they should also be greatly increased in number.

This would be really to act in accordance with the spirit of Collegiate Foundations, so far as it can be done in our times. It would be impracticable, as we have said more than once, to give a University education to poor persons who are not qualified to receive it. It would be an evil to do so in the present day, even if it were practicable. We have no wish to see in the Colleges an appendage of members on an inferior footing, such as we have spoken of as existing in them formerly. What the State and the Church require, as we have observed, is not poor men, but good and able men, whether poor or rich. The great resources of the Colleges render it easy for them to bring to the University those who are best fitted for a learned profession from almost every class in the country; and to enable many to live there as all Students receiving a liberal education should be supported. These resources would thus promote what were the paramount objects of Founders, or, at least, what were the paramount objects of the State in permitting the Founders to create perpetuities,—namely, the advancement of the higher branches of religious and secular knowledge. Fellowships are now for the most part obtained when men have ceased to be Students, and on the eve of leaving the University. A considerable part of the Revenues of Colleges may thus be devoted to the endowment of open Scholarships, so that in the great Schools, which now discharge a large share of the duties formerly devolving on the University, the beneficial effects may be produced, which may be expected in the University itself if all Students of real diligence and fair abilities shall be enabled to compete successfully for open Fellowships.

ADVANTAGES OF OPEN SCHOLARSHIPS GENERALLY.

To the efficiency of the Colleges, open Scholarships to supply good Learners are as essential as open Fellowships to supply good Teachers. Where there are no youths of superior ability in a College, the standard of excellence is low, the Tutors are easily satisfied, and the Students in general are not incited to exert their full powers. The presence of such young men in the lecture-room forces the Tutor and the Pupils to aim high, and a noble emulation is awakened. Nor is it less valuable in the private intercourse of the Students. Some judgment of the influence of open Scholarships on the utility and honour of a College may be formed from the amount of University distinctions obtained by the several Colleges. It will be found that they much more nearly correspond to the number of the open Scholarships offered to Undergraduates than to the other merits and advantages of the respective societies. The comparison which we have already made between Balliol and Christchurch, in speaking generally of the advantages of open Foundations, referred in fact as much to Scholarships as to that of Fellowships. Similar comparisons might be made, with the same result, between other societies. It is also a striking fact, that the five Halls which have no Scholars, but only a few Exhibitioners, though they educate between them two hundred and ten Undergraduates, that is, about one-sixth of the whole number in the University, have obtained together only six First Classes in Literæ Humaniores, and three First Classes in Mathematics during the last ten years; and some of these Honours, perhaps most of them, were obtained by young men who had been dismissed from their Colleges.

If the University shall be enabled to afford rewards of this kind to the youth of the empire generally, there is little doubt but that it will collect a large assemblage of young men, in spite of the severity of any Examinations which it may impose at Matriculation or at later periods, and though no material

diminution should be effected in the expense of the education which it offers. Should the Scholarship be rendered so valuable as to defray nearly one-half of the annual expenses of a frugal person, very few young men of merit will be kept back by poverty from obtaining an Academical Education. To gain this end, we propose that the tenure of all Scholarships and (where practicable) of Exhibitions shall be limited to five years, which is a longer period than is now necessary for a complete education at Oxford; that there shall be no restriction as to birth-place or parentage, but that with regard to age, nineteen shall be the limit, after which no one shall be allowed to present himself for a Scholarship; that the Foundations of New College, Christchurch, and St. John's, shall be modified, as we are about to propose; and that some Fellowships in Colleges not sufficiently provided with Scholars shall be suppressed to endow Scholarships. By these simple changes we calculate that nearly five hundred Scholarships, of the value of fifty pounds a-year or more, besides rooms, might be provided, of which at least one hundred would become vacant annually.

GENERAL RECOMMENDATION WITH REGARD TO SCHOLARSHIPS.

We have before stated our opinion that some exceptions to the general principle of setting aside all restrictions, might with advantage be made in favour of Schools connected with Colleges.*

EXCEPTIONS IN FAVOUR OF SCHOOLS CONNECTED WITH COLLEGES.

The Colleges subject to this connexion are:—Balliol College, which receives two Scholars and two Fellows from Tiverton School; New College, which is almost one Foundation with Winchester College; Christchurch, to which, in consequence of an order made by Queen Elizabeth, St. Peter's College at Westminster is privileged to send forty Students; St. John's, which is in intimate union with Merchant Taylors' School and other Schools; Pembroke College, to many of whose Scholarships and Fellowships persons educated in Abingdon School have a preference; and Worcester College, which elects its Scholars from certain Schools in Worcestershire.

It is justly observed by Mr. Jowett that, "restrictions to particular Schools "are, in some respects, more injurious than the local ones. It is an objection "that may be urged against all close Fellowships that, while they are not "rewards for previous efforts, they afford a provision to the owner of them— "just sufficient to prevent his exerting himself to gain anything more. Fellow- "ships confined to Schools tend to cause the additional evil of a narrow circle "of society. At the age of seventeen or eighteen a boy comes up to New "College or St. John's, is welcomed among his old schoolfellows, and lives "almost isolated from the rest of the University. It inevitably follows that his "school-life reproduces itself at College. Parents often repeat that the election "of their children at New College is a doubtful good to them. Notwith- "standing these evils, few persons would be willing to give up the associations "of William of Wykeham, or the glories of King's College, Cambridge."

Evidence, p. 35.

But we must observe that, between New College and St. John's there are great differences. The Fellows of St. John's are not all from Merchant Taylors' School; and, inasmuch as Commoners are admitted at that College, the Fellows have the opportunity of associating with a considerable number of young men brought up under different circumstances. New College, has admitted hitherto only a few Gentleman-commoners besides the members of its Foundation, but it would promote the welfare of its Junior Fellows, as well as discharge a duty to the country, if it opened its gates to Undergraduates generally. The effect produced by the more liberal system at St. John's appears from the success of the St. John's men in the Examination Schools of the University, and from what may fairly be called the failure of those of New College.

CASE OF NEW COLLEGE AND ST. JOHN'S COLLEGE NOT TO BE CONFOUNDED.

It is about fifteen years ago that New College abandoned its privilege of obtaining Degrees for its members without any University Examination. Since that time it has produced only one First Class man: this took place in 1842; and in 1843 the same gentleman obtained a University Mathematical Scholarship. The number of its Fellows and Fellow Scholars is seventy. St. John's has but fifty Members on the Foundation; but since the year 1842 its Fellows have obtained eight First Classes and one University Mathematical Scholarship.

Professor Browne states that the intellectual character of the Scholars produced by Merchant Taylors' School is very superior to that of the Members of the Foundation who come from other Schools, or who have claimed a place

Evidence, p 7.

* We must here state that Mr. Liddell, as an interested party, absented himself from the Board while the proposals on the subject of Schools were under discussion.

in the College as being of kin to the Founder. At Merchant Taylors' School also there is a certain amount of competition, inasmuch as all the boys in the School are eligible to the Fellowships of St. John's. On the contrary, at Winchester, where there are only seventy boys on the Foundation, and where two of the Founder's kindred must be placed on the list for New College every year, there is virtually no choice. The chance of securing Candidates of superior ability is infinitely diminished in consequence of the practice of converting the nomination of boys on the Foundation of Winchester College into private patronage, which is often promised on behalf of mere infants. Wykehamists, who have never been on the Foundation, and even some of those who have lost their election by superannuation, often obtain high distinctions in the University.

GENERAL RECOMMENDATIONS FOR SUCH COLLEGES.

We have already recommended that, in all cases where Fellowships are confined to those who are, or have been, Scholars, the connexion should cease. This recommendation we propose to extend, with certain modifications, to the Fellowships which are connected with Schools, and of which those held by Undergraduates are little more than Scholarships under another name. It is a great evil for a young man to feel confident that he will continue to hold, or that he will obtain, a Fellowship, without the necessity of real exertion; and this evil is increased, if the claim to the Fellowship commences whilst the expectant is a boy at school.

This principle we now proceed to apply to the several cases before us, premising that in all cases the Undergraduate Fellowships should be severed from the Graduate Fellowships, and that they should follow the general rule of other Scholarships in not being tenable for more than five years. The merits of the candidates would, of course, in every case be tested by examination.

PARTICULAR RECOMMENDATION WITH REGARD TO NEW COLLEGE.

Evidence of Mr. Jowett, p. 35. Mr. Temple, p. 129.

With regard to New College, an obvious remedy has been proposed, namely, that elections to the Junior Fellowships or Scholarships should be made from the whole school without distinction of Colleger or Commoner; and that elections to the Graduate Fellowships should be made not only from the Scholars of New College, but from all, of whatever College, who had been educated at Winchester School. We concur in this recommendation. Such a change would add to the attractions of the School, and might eventually increase its numbers so greatly as to supply a very large choice of candidates. But the advantage would be considerable even if the numbers of the School should not rise; and New College might attain more nearly to the position in which so noble a Foundation should stand.

WITH REGARD TO ST. JOHN'S COLLEGE.

Evidence of Dr. Hessey, p. 348.

With regard to the connexion of St. John's with Merchant Taylors' School, a somewhat similar remedy is suggested by the will of the Founder himself. Sir Thomas White, in his Statutes, expresses his regard for the City of London and its Schools generally, and it is said that it was formerly the custom for six boys from Christ's Hospital to present themselves on the day of election in Merchant Taylors' Hall, as if to claim an interest in the bounty of Whyte. The Schools of Coventry, Reading, Bristol, and Tunbridge are also entitled to send Fellows to St. John's College. We are of opinion that the Fellowships and Scholarships of St. John's College should be thrown open to all the Schools in the City of London, and to all the other Schools mentioned in the will of the Founder. A generous emulation would be thus excited in all those Schools, and the College would be nearly as great as if it were altogether unrestricted.

WITH REGARD TO CHRISTCHURCH.

Christchurch does not lie under the same disadvantages as New College. Young men from all Schools, from all parts of England, and from all ranks, are brought up in it; and it may at any time be restored to the literary and intellectual greatness, of which it was once proud. The Dean and Canons have only to surrender their patronage, and to invite the best scholars in England to contend for their Studentships. In this Society, as we have said, the Studentships should be divided into two classes, corresponding to the Fellowships and Scholarships of Colleges. Means should be found to increase the value of the Studentships, especially the Senior Studentships, in order to enable that great Institution to compete fairly with other Colleges. It is not unreasonable to expect that something should be done by the Chapter, whose own income is very large; and if not while the present vested rights subsist, yet on the occurrence of vacancies. If the two stalls which are unconnected with Professorships are allowed to remain so, a considerable portion of their present emoluments might be applied to the purpose of increasing the value of the senior Studentships. This will

be in fact, a measure similar to that which we have recommended for Brasenose and for other Colleges, where a too great inequality subsists between the Senior and Junior Fellows. The Canonries though belonging to a Cathedral Church, belong also to a College, and their wealth is derived from the surplus which remains after a scanty allowance made to the Students, according to the rule of former times. The Students do not participate in the increase of the Collegiate property. For the present, it might be advantageous to suspend the election to twenty Studentships. The number of Westminster Scholars to be elected to Christchurch every year should be fixed at a fair amount, and a definite proportion of the junior Studentships should be set apart for persons educated in that School. The senior Studentships would, according to the general rule we have proposed, be filled up by the best candidate who could be obtained in the whole University, the only preliminary qualification being good character, and the Degree of Bachelor of Arts, or the certificates of the Public Examiners necessary for that Degree.

WITH REGARD TO BLUNDELL'S FOUNDATION AT BALLIOL.

Tiverton School has two Fellowships and two Scholarships at Balliol College. The Scholars succeed to the Fellowships, in the event of a vacancy occurring during the tenure of the Scholarship, which, however, is limited; and they appear also to have a contingent claim on the other Fellowships of the College. Practically, one Scholar is sent in three years. We are of opinion that here, as elsewhere, the connexion between the Scholarships and Fellowships should cease. It will be more advantageous to Tiverton School to send one Scholar to the College every year without a claim to a Fellowship, than, as at present, to send one only in about three years with such a claim. The Scholarships in this College should be increased in value, and, for that purpose, one of the Fellowships might remain suspended.

WITH REGARD TO PEMBROKE COLLEGE.

Pembroke College is connected with Abingdon School, but the connexion is not so valuable to the School as in some of the cases just mentioned; and, on the other hand, the School does not possess such resources as to render it possible that it should at any time produce a large or continuous supply of persons qualified to do credit to the School or the College. We are of opinion that five out of the sixteen Scholarships of Pembroke should hereafter be offered for competition to the boys educated at that School. The number of boys elected to Scholarships which it has sent during the thirty years which elapsed between 1820 and 1850, has not exceeded twenty-two. An election once a-year will, therefore, afford more regular encouragement than has yet been afforded to the School; and as we shall propose that the Scholarships shall be increased in value, the School will be placed in a much better position than it has ever yet occupied.

WITH REGARD TO WORCESTER COLLEGE.

If two Scholarships in Worcester College were offered yearly to all Schools in the county of Worcester, the College would find the commutation an advantageous one. The number of Scholarships should be increased.

EXCEPTION AT JESUS COLLEGE IN FAVOUR OF WALES.

We have stated that in our opinion an exception to the general removal of restrictions should be made in consideration of the peculiar circumstances of the Principality of Wales.

The Principality of Wales is isolated, and it is greatly in arrear of England in regard of wealth. Its Church is poor, and its Schools are for the most part inferior. There is less inducement, therefore, for natives of Wales to seek an expensive education, and fewer means of obtaining a good one than in almost any district of England, while no other part of the country requires more the presence of men of refinement and intellect. It may be questioned, however, whether the wants of Wales are in any way supplied by close Fellowships. Indeed it has been observed that the Foundations in Oxford which are connected with Wales, as well as that which draw Fellows from the Northern Counties, do not benefit the districts with which they are respectively connected; for the young men who become Fellows of Jesus College or of Queen's generally obtain College livings in other parts of the island. Yet to offer no privileges to the Principality would be almost equivalent to a banishment of its natives from the Foundations of Oxford. On the other hand, it is a serious disadvantage for them to be educated in a Society which is almost closed against Englishmen. "In my own College," says Mr. Foulkes, a Fellow of Jesus College, "I should rather prefer to have our Foundations, "one and all, thrown open to Wales generally; . . . at the same time I "would wish them to be open to any extent sooner than have them remain as

Evidence, p. 225.

"they are." It is a great advantage to the Principality that Welsh boys shall be educated at Oxford; none that they should be educated exclusively among Welsh boys by Welsh Tutors. It appears to us that the exigencies of the case would be met if while the Fellowships and one-half of the Scholarships were thrown open, the remaining half of the Scholarships were restricted to natives of the Principality generally, though relieved from the connexion with the smaller localities to which many of them are now attached. This would, in fact, be following up the scheme by which the great benefactor of the College, Sir Leoline Jenkyns, widened the Foundations, opening to larger districts the endowments which had previously been confined to particular places within those districts. There are many Exhibitions in Jesus College confined to natives of Wales which might be left untouched. Wales would find some compensation, and an increasing compensation as its Schools improved, in its admissibility to Scholarships and Fellowships in other Colleges.

ELECTION OF SCHOLARS FROM SCHOOLS CONNECTED WITH COLLEGES.

In some few instances the election of Scholars is conducted at the Schools from which they are elected, or by bodies external to the College. This practice is, in most cases, needless and mischievous. All such elections should be conducted, if possible, in Oxford itself, and exclusively by the Head and Fellows, or the Board of Election in the respective Colleges. The means of communication are now easy, and it is unnecessary that the authorities of Oxford should resort to the schools in order to save the candidates a journey; and, when elections are made with reference to the merit of the candidates, it is absurd that unlearned persons should be allowed to have a voice concurrently with Examiners from Oxford. In former times, when the great object was not to obtain the Students best qualified, but to prevent combinations on the part of those who had the disposal of Scholarships, it was not perhaps unwise to place the trust in the hands of two bodies of persons otherwise unconnected, and unlikely to have much intercourse with each other. In our times it is altogether unbecoming that the officers of a London Company or the Brethren of a Hospital, should take a part in the examination and the subsequent election of Classical Scholars.

SCHOOLS TO LOSE THEIR CLAIMS IN DEFAULT OF SUITABLE CANDIDATES.

We are further of opinion, that in all these cases the Colleges should be at full liberty to reject all the Candidates, if none should be found likely to do credit to the places of their education; and that, in all cases, where the School did not produce an eligible Candidate, the Scholarship in question should be thrown open.

EXHIBITIONS ATTACHED TO COLLEGES.

There are, besides the Foundation Scholarships, many Exhibitions in the several Colleges. Some of them are thrown open to general competition and differ from Scholarships only in name; others are given as a matter of favour; others with special reference to the pecuniary circumstances of the Student; and others are closely limited. Of these Foundations we do not know enough to enable us to offer any specific opinion respecting them. Perhaps it may be desirable that as regards many of these cases no interference should take place. It may be well that the Heads of Colleges should be enabled to assist the sons of poor gentlemen and clergymen, who may be well conducted and likely to prove useful in the Church, but who would not have ability enough to obtain an open Scholarship, however numerous such Scholarships might be.

Evidence of Mr. Clough, p. 214.

EXHIBITIONS NOT ATTACHED TO COLLEGES.

A considerable number of young men hold Exhibitions in the gift of Governors and Trustees of Schools, and there is at present a strong tendency to increase the number. The London Companies dispose of a good deal of such patronage. There are also Clerical Education Societies, which support young men at the University who are poor, and are thought likely to become useful Clergymen.

APPLICATION OF COLLEGE REVENUES TO THE ENDOWMENT OF UNIVERSITY TEACHERS.

IV. The original object of College Foundations was, as we have seen, to encourage and reward learners; and this must always remain their principal object. Yet, for a long time past, the Colleges have undertaken the task of teaching, and Fellowships have formed a considerable portion of the income of College Tutors. This is not unreasonable. The Colleges absorbed the University; so that, practically, they shut up its Schools, and silenced its Professors. Therefore they made themselves responsible for that Instruction, which they had taken out of the hands of the larger and older Corporation. But, as we have shown in a previous section of our Report, Tutorial teaching is not sufficient for the wants of the University. In small Colleges, one or two Tutors are expected to teach everything; and in these, as well as in the larger Colleges, where the Tutors are more numerous, a College living tempts almost every man to quit his post on the first opportunity that offers. A Tutor

has often more to do than one man can do, and abandons the work in despair; and those who have a more limited task do not consider it as a permanent occupation. The nature of the office, under present circumstances, often makes it unsatisfactory to men of high capacity.

NECESSITY OF REMOVING THE OBLIGATION OF CELIBACY, IN ORDER TO FORM A LEARNED BODY IN OXFORD.

This state of things would not be materially altered, if the restriction of celibacy remained in full force, even though all others were removed. The remark of Adam Smith is true, that "when Church benefices . . . are many of them "very considerable, the Church naturally draws from the Universities the greater "part of their eminent men of letters. In this case (he adds), we are likely to "find few eminent men among them, and those few amongst the youngest "members of the Society, who are likely, too, to be drained away from it "before they can have acquired experience and knowledge enough to be of "much use to it." Since Adam Smith wrote, the Schools for the education of the middle and higher classes have become more numerous and more lucrative throughout the country; and, as these offer higher emoluments than College Tutorships without the restriction of celibacy, the result is that Colleges have less hold than ever upon their Tutors; and there is little hope that the University will ever possess a permanent body of eminent Teachers and learned men, so long as it is subject to this restriction.

It may be said, indeed, that the Halls, which have no Fellowships, obtain able Tutors, and keep them for a longer time than the Colleges can retain theirs. Tutors of Colleges who have received permission to marry, also remain a considerable time in the University. But we have already shown that, in Colleges generally, it would be inexpedient to grant this permission to more than one Tutor, and that in small Colleges it could hardly be granted at all. Besides, what the University wants is something more than what is commonly understood by a Tutor. It wants men who, after going through the course of study common to all, have devoted themselves chiefly to one branch of knowledge, and are prepared to devote their whole lives to its cultivation. It wants the ablest men in all departments, such as have been described in that portion of our Report in which we spoke of the Professors; men who would adopt learning as their profession, and give an European renown to Oxford. The little town of Giessen has been made illustrious by the presence of a single man: sovereigns contend for the possession of Liebig, but Giessen retains him, conscious that, with him would depart all her fame. What, in Germany, is done by grants from the public purse, must be done at Oxford by the revenues of the University, or rather of the Colleges, which have made themselves the University.

PROBABILITY THAT AN APPLICATION OF COLLEGE FUNDS TO THESE PURPOSES ACCORDS WITH THE INTENTIONS OF GREAT FOUNDERS.

The illustrious men who founded the great Colleges of Oxford, in some instances, have themselves left proof that the purpose to which we propose to apply a portion of the College Revenues, was not alien from their thoughts. Bishop Fox, the Founder of Corpus Christi College, founded three Lectureships for Divinity, Latin, and Greek, in his College for the use of the whole University. The Lecturers were to be chosen solely in consideration of their fitness for the office. Foreigners, if more learned, were to be preferred to Englishmen, a provision which was acted upon in at least one case that we are acquainted with, by the choice of Ludovicus Vives, a Spaniard, in the year 1517, to fill the Greek Lectureship. They were to be excused from taking the oath demanded from other members of the Society. They were to have all the emoluments of Fellows, and a yearly stipend in addition, which stipend might be doubled in order to obtain the services of the best men. In this case it would have amounted to the same sum that was allowed to the President of the College. So far as appears from the Statute they were to be also exempt from the obligation to take Orders. All these liberal provisions have fallen into neglect. These Lectureships exist only in name, and are given as perquisites to College Tutors or Officers, who receive still the same annual payment fixed in the Statutes, which through the change of money is now of little value. At Magdalen, Waynflete also had previously founded three similar Lectureships for Divinity, Moral Philosophy, and Natural Philosophy, to which Fellowships were assigned free from all local restrictions, the Lecturers were to be the fittest men to be found in the whole University. These provisions also have fallen into disuse. We have, therefore, some means of judging, from the injunctions of Waynflete and Fox, how great Founders would have acted in our times. They threw off all restrictions when it became necessary to obtain eminent Teachers,

and the stipends which they offered in order to attract such men, were such as must have placed them nearly on a level with the Head of the College.

Wood's Colleges and Halls, pp. 423, 424.

In Cardinal College Wolsey founded six Professorships of Divinity, Canon Law, Civil Law, Medicine, Liberal Arts, and Latin, for the instruction of the whole University. These Professorships fell with him But the Chairs of Divinity and Hebrew which King Henry VIII. had established in the University, were endowed by King James I. and King Charles I., with Canonries of Christchurch. The Margaret Professorship of Divinity and the two new Chairs of Pastoral Theology and Ecclesiastical History have been endowed in like manner by Your Majesty.

Letters of King Henry VIII.'s Commissioners published by the Camden Society, p. 71.

The Visitors sent by King Henry VIII. ordered the Colleges of Merton, Queen's, New College, All Souls, and Magdalen, to furnish Instructors of the same kind for the general service of the University. It is true that these provisions were not carried into effect. But the fact of their being issued shows the view which, at the time of the Reformation, was taken of the duties of Colleges, and of the reasonableness of requiring them to contribute to the instruction of Students generally.

These ancient examples, and the five Collegiate Professorships at Christchurch, furnish the model which we desire to see followed in other Colleges. This course is also indicated in several parts of the Evidence.

We are of opinion that we shall be justified in calling on some of the Colleges to aid in the endowment of Professorships. Here we must observe, that these grants should not involve any obligation of celibacy; otherwise, as we have above shown, the alteration would be nugatory. The Colleges which we shall select for this purpose are those which have revenues larger than can be required for the purpose of educating their own members.

RECOMMENDATION THAT SUCH PROVISIONS BE ENFORCED IN THE WEALTHIER COLLEGES.

Evidence of—
Mr. Jowett, p. 38.
Sir C. Lyell, p. 122.
Mr. Temple, p. 129.
Prof. Wall, p. 156.
Mr. Lake, p. 167.

Magdalen and Corpus Christi Colleges offer themselves first to our notice, both because their Founders wished that a portion of their revenues should be applied in this way, because this great and beneficent design has been neglected for centuries, and because even after a portion of those revenues shall have been set apart to carry out the provision of their Founders, these Colleges will be abundantly provided with the means of attracting and educating Students. Those Colleges would then be raised to something like the honourable position of Christchurch, if they had Professor-Fellows as Christchurch has Canon-Professors. Two of these might, without injury to the other objects of the College, be placed in Corpus Christi College and six in Magdalen.

There are in Corpus twenty Fellowships: the revenues of six of these would be sufficient for two Professors. In order to provide for two Professor-Fellows without diminishing the ordinary Fellowships, four might remain suspended, till, in the judgment of the Visitor, the increase in the income of the College should render it desirable to raise the Foundation to its original number. There would then be sixteen Fellows including the two Professor-Fellows. Fourteen ordinary Fellows would afford a very ample supply of Tutors and Officers to so small a Society, which is confined for space and cannot add much to its buildings. But, as we have just stated, when the revenues of that Society, which are said to be very well managed, shall have become larger, the College might have the power of raising the number of its ordinary Fellows to twenty again. This remark we desire to apply to the other Colleges, in which we propose that Professor-Fellows should be placed.

Magdalen has forty Fellows, and its Fellowships are probably the richest in the University. If twelve of its Fellowships were suspended, six Professor-Fellows might be adequately endowed. Twenty-two ordinary Fellowships would, if a proper selection of Fellows were made, supply competent Tutors for the largest body of Undergraduates which that noble College could, even after a considerable outlay in building, conveniently collect within its walls, and would be sufficient to stimulate a very large number of Students.

There are two other Colleges of which the revenues, even after the appropriation of a part of them to the endowment of Professors, would be more than sufficient for the education of the largest number of Undergraduates which they are ever likely to accommodate. They are Merton and All Souls.

Merton, by suspending six of its twenty-four Fellowships, and appropriating their emoluments as we propose, might support two Professor-Fellows, together with eighteen ordinary Fellows.

All Souls educates only four Undergraduates, who are its Bible Clerks. It has now forty Fellows, all Graduates. Of these forty Fellowships, the revenues of twenty-four Fellowships would endow four, or even a larger number of Professor-Fellows. Sixteen ordinary Fellows would remain.

These two last-named Colleges were those in which Professors were ordered by the Visitors both of King Henry VIII. and of King Edward VI. The Visitors of King Henry VIII. also enjoined that similar Lectureships should be founded in New College and Queen's. The wealth of these Colleges suggests that, in case of need, they also might each furnish a Professor-Fellow.

The Professor-Fellows should possess the same rights and privileges as the other Fellows; but we think, to adopt an expression of Mr. Wall's, that they should not be Professors because they are Fellows, but Fellows because they are Professors. The Fellowships would therefore follow the nomination of the Professorships; otherwise, the office would probably be filled up as the Headships of Colleges too often are now; and the Professorships might become as useless as the Readerships of Waynflete and Fox. This would be no greater hardship on the Colleges than the nomination of the Dean of Christchurch and its Canon-Professors by the Crown is on that Society; while the advantages which the presence of an eminent Professor would confer on the College which would thus become his Academical home, are too obvious to need stating. It may be added, that the early history of Colleges furnishes precedents for such an amalgamation of Fellowships. In some instances the suppression of Fellowships, to increase the value of those which remain, is permitted by the Statutes; in others, new Fellowships have been united with those on the old Foundation for the same purpose; and in many Colleges, as we have seen, the value of the Fellowships has been augmented by keeping them at their original number instead of adding new Fellowships, as the Statutes enjoin, with the increase of the College property.

Evidence, p. 150.

See Report, pp. 186, 189, 203, 213.

Several of the Professorships which we desire to see connected with Colleges have already some endowments. These might be applied to augment the stipends of the Professor-Fellows in case the Fellowships appropriated to them should be inadequate, or to found Professorships for new branches of learning independently of the Colleges, otherwise they might remain as affording a useful endowment, when it was thought well to have several Professors in the same department of knowledge.

THE APPOINTMENT AND ENDOWMENT OF UNIVERSITY LECTURERS.

But this is not all that the Colleges can do for literature and the University as a place of education. We have before stated that we are of opinion that it is necessary that a subordinate class of Professors, under the name of Lecturers or Readers, should be trained up in each School. Such an institution would supply the Members of the University generally with Instructors devoted to some one branch of learning, as well as retain superior men in Oxford, and supply a large choice of eminent candidates for the Professorships. It would doubtless be desirable that independent endowments should be formed for these Lecturers; but, if this shall be found to be impracticable, the object might be accomplished by allowing Fellows of Colleges, when appointed University Lecturers, to retain their Fellowships, so long as they held the office and resided in Oxford, and that without any obligation to remain unmarried, to take Holy Orders, or to vacate their Fellowships on succeeding to Property. The Fellowship would be their endowment, but they would find, in the necessity of obtaining a larger income, incentives to exertion which are often wanting to the present Instructors of the University.

The Lecturers would, naturally, become the substitutes of Professors incapacitated by illness or infirmity.

These are the recommendations we have to offer for re-distributing the College revenues so as to meet the wants of the times. In this way the Scholarships would become stimulants to all the Schools in the country; the Fellowships would act as rewards to those who are advancing in their studies; the Professorships and Lectureships would be an object for Fellows, and would raise the University to its proper position as a seat of learning.

VESTED AND INCHOATE RIGHTS TO BE RESPECTED.

It is scarcely necessary to mention that we propose these changes with the understanding that all vested, and even all inchoate rights within reasonable limits, would be religiously respected. Nor, even on the vacancy of Fellowships

to which there were no well-founded claims from a vested or an inchoate right, should we wish every other consideration to be postponed to the endowment of Professorships. A rule similar to that which has been followed in diminishing the numbers in capitular bodies, might be adopted. Every alternate Fellowship that became vacant might be filled up as at present; while the others were appropriated as we propose, till the whole scheme should have been carried out. A somewhat different course of proceeding would probably be rendered necessary in each College. Doubtless such circumspection would delay the contemplated reforms for many years, and this would be an evil; but harshness or injustice would be greater evils.

We conclude our general remarks on the Colleges by speaking of those officers who exercise the chief authority in their administration, and of those great persons whose duty it is to control the whole body. We mean the Heads and the Visitors.

ELECTION TO THE HEADSHIPS OF COLLEGES.

We turn first to the elections to the Headships, on which the honour and prosperity of the Colleges materially depend. The right of election, as we have before stated, in all the Colleges but two, is placed, absolutely or virtually, in the hands of the Fellows, or a seniority of them. The Headships have now become lucrative offices, varying in value from 600*l.* to 3,000*l.* a-year, and averaging perhaps 1,100*l.* They are also regarded as posts of honour and influence. It is not surprising, then, that, like every other mode of disposing of valuable preferment, the election of the Heads by the Fellows should be open to many and grave objections. Sometimes, indeed, a distinguished man so commends himself to the love and esteem of his brethren that, on a vacancy, the Headship is offered to him spontaneously and unanimously. Such a choice sometimes produces almost a renovation in the Society, and unites more closely its members to each other. It was thus, not to speak of living instances, that Dr. Copleston was elected Provost of Oriel. But this is by no means universally the case. Intrigues, commencing sometimes long before the death of a Head, animosities, personal interests, too often influence the choice; recriminations, not always kept from the public, and ill-will perpetuated for many years too often follow it. The social life of the College is embittered, and the energies of its Fellows crippled. In these cases, Candidates are sometimes put forward and elected to Fellowships, not so much for their merits, as with a view to the support which they are expected to give (when the Headship shall at length become vacant) to the party which supported them. It happens not rarely that a person who has but one supporter at the first, or perhaps none, and who, therefore, is not in the judgment of either party the best qualified, or even qualified at all, for the office, has been ultimately elected, because all have become exasperated, and none will make concessions except in the way of compromise.

The disclosures made with respect to the recent election at Lincoln College place this state of things in a very glaring light.* This doubtless is a case more than ordinarily bad, but it is not needed to prove what all history proves, namely, that in conclaves, where limited numbers meet to raise to power one of their own body, passion, party motives, or even sordid objects, often determine the result, rather than the desire of electing the man fittest for the office. Under these circumstances, it is not surprising that other modes of appointment have been suggested. Mr. Senior speaks on the subject in the following terms:—

Evidence, p. 17.

"Another evil which also Parliament can remedy is the selection of Heads "of Houses. They are generally taken from those who are or have been "Fellows of the College. When taken from those who have been Fellows, "the incumbent of a valuable College living is frequently chosen, as two persons "unite their influence for that purpose, the incumbent and the person who, "according to the habits of the College, is entitled to succeed him. When an "actual Fellow is chosen, it is frequently a man who has passed an idle Oxford "life, and become familiar therefore with all the Fellows, or has been an "active useful Bursar, and is supposed likely therefore to manage well the "College revenues, or is recommended by sympathising in the doctrinal or

* Since this was printed we have received a letter from Mr. Kettle, Fellow of Lincoln College, accompanied by a copy of the judgment of the Bishop of Lincoln as Visitor, on an appeal in this case. These documents will be found at the close of the Evidence.

"political opinions of the majority, or simply by an easy temper. I am inclined "to think that the peculiar qualities which fit a man to preside over a place of "education have seldom much influence; the selection is made from a very "narrow circle, and even in that very circle the best, or even the second best, "man is seldom chosen.

"I would give the power of selection to the Crown under the advice of the "Prime Minister. The Executive is perhaps not a remarkably good distributor "of small patronage, nor are the heads of departments perhaps always the best "distributors of considerable patronage; but important patronage, when exer- "cised by so conspicuous a person as the Prime Minister, cannot now be given "except on public grounds. We are not likely to have any administration "strong enough to be able to afford to make obviously bad appointments. I "believe that few selections would be more scrutinized than those of Heads of "Houses: the Prime Minister would never venture, and very seldom would "wish, to appoint any one whom he did not believe to be fit, and even pecu- "liarly fit. I should wish the choice to embrace not only the whole of one, "but even of both Universities. I should not be sorry to see sometimes a "person well acquainted with the habits of Cambridge appointed to an Oxford "Headship, and *vice versâ*; such an appointment would not take place unless "justified by peculiar merit.

"I believe that the Heads of Christchurch, Oxford, and Trinity College, "Cambridge, have, on the whole, been superior men; but it must be recollected "that in the first place the field of selection has been practically narrower than "the one which I propose. The Deans of Christchurch have, I believe, "always been selected from those who are or have been Students. The "Masters of Trinity have usually been Trinity men. Those Heads of Halls "in Oxford who are appointed by the Chancellor have generally been superior "to an equal number of the Heads of Houses elected by the Fellows, though "the office is one of much less emolument."

Perhaps no change, however, would be more distasteful in Oxford than the transfer of the appointment of the Heads from the Fellows to the Crown. The Colleges would feel deeply the loss of the power of choosing their own governors, even though they might thus hope to avoid the evils which they now too often have cause to deplore, and though they might expect thus to obtain better Heads. Experience shows, too, that though there is a probability, there is by no means a certainty, that the Crown would make better selections. If Fellowships are thrown open, and some of the ablest men in each College can be kept in the University, we believe that the elections to Headships will greatly improve, and that these offices will become, to a considerable extent, the rewards of distinguished teachers; and will thus serve to promote learning and science. The electors will henceforward be conscious that the public attention is fixed on their proceedings; and they will have a wide field of selection if Colleges were permitted to select any Master of Arts whatever. We are of opinion that such a latitude of choice should be universally allowed.

ISITORS.

We pass, in the last place, to the authority which was originally intended to control and to regulate the whole society. For the settlement of internal disputes nothing can be better than the decisions of a wise Visitor. The decisions of Visitors have in point of fact been usually just and speedy. They are not costly except in the Colleges of which the Crown is Visitor, and then because the visitation is conducted in the Court of Chancery. But the University is occasionally startled by strange decrees, or astonished by the length of time during which appeals are left pending.

VISITATIONS AT PRESENT IMPRACTICABLE.

As regards the correction of abuses and the general superintendence of Colleges, the office of Visitor is altogether in abeyance. No visitations have taken place in modern times, none are likely to take place. The Statutes having for the most part fallen into disuse, Visitors, if they resolved on resuming all their duties, must either sanction what they were appointed to prevent, or enforce what would be injurious to the Societies and their individual members alike. We have before spoken of the opinion entertained by some persons, that being irresponsible the Visitors might, with the consent of the College, practically alter the Statutes to any extent. They have sometimes ventured on bold decrees, and been obeyed because obedience was convenient. But it is doubtful whether they could enforce even the most necessary changes against

the will of the College, or even against the will of any one of its members. No change is, we believe, permitted to any College by its Statutes. Besides experience shows that reforms are rarely desired by the majority of any corporate body, and we are not aware that any College in Oxford has ever entertained the idea of calling on its Visitor to alter its Statutes generally.

MODE OF CONTROLLING COLLEGES SUGGESTED.

We are of opinion, however, that, if once the Statutes of Colleges shall have been rendered capable of being carried into effect, the Visitors ought to exercise a vigilant, though not necessarily a personal superintendence, over the Societies committed to their care. It might be rendered obligatory on the Head of every College to transmit an annual Report, under the Common Seal, to its Visitor on the State, Discipline, Studies, and Revenues of the College, in such a form as he might from time to time direct; and the Visitor might be called upon to lay a copy of that Report before the Sovereign in Council, with such observations as he should think proper to make. This, we believe, would offer some security against abuse, and furnish a strong stimulus to improvement. But in case of abuses arising the Visitor of each College should be empowered to interfere.

Having concluded our observations on the Colleges in general, we now propose to give, so far as it is in our power, a brief account of each of them; and to point out, in treating of them severally, how the general principles which we have laid down might be applied, with reference to the particular circumstances of each. We must here again guard ourselves by observing that it will hardly be possible in the statement respecting each College to avoid errors in detail, especially where the Society has declined to give us information; but we believe that in no case will such errors be found materially to affect our general conclusions.

THE COLLEGE OF THE GREAT HALL OF THE UNIVERSITY, COMMONLY CALLED UNIVERSITY COLLEGE.

UNIVERSITY COLLEGE.

This College declined to give a copy of its Statutes, or a statement of its corporate revenues; but we have received Evidence from its Senior Tutor. We have been unable to procure a copy of the Statutes from any other source.

FOUNDATION AND GRADUAL FORMATION OF THE COLLEGE.

In 1249, William, Archdeacon of Durham, "bequeathed 310 marks to the "University of Oxford, that with them certain annual rents should be bought "for the use of ten, or eleven, or twelve, or more Masters, who should be "maintained with the rents of that money." He also, it would appear, directed that these Masters should be natives of the parts "nearest to Durham." No mention was made of any Hall or College to be founded.

Smith's Annals of University College, pp. 7, 89.

Ibid. p. 42.

Of these 310 marks, 18 alone were employed by the University on the object specified by William. The rest of the money was used "partly for its "own necessary occasions, and partly lent to other persons." It has been conjectured that this misappropriation arose in consequence of troubles of the Wars of the Barons. Thirty years afterwards a Committee was appointed by the University "to inquire and order those things which had relation to the "endowment of Master William of Durham." This inquiry resulted in Ordinances issued in 1280, to the effect that four Masters of Arts should be maintained out of the rents purchased with the small fragment that had been saved from his bequest, and that those Masters should be elected by the Chancellor of the University, with the advice of certain Doctors of Divinity and Masters in other Faculties, out of such as they believed "to be most fit to "advance or profit in the Church." Of these four, one was to be a Priest, and one the Procurator or Bursar. They were to study Divinity, or the Decretals. Each was to receive fifty shillings a-year. In case of an increase in the rents of the houses purchased with the funds of William of Durham, the number and the maintenance of the Masters were also to be increased.

Ibid. pp. 14, 17.

FIRST CODE OF STATUTES.

Ibid. pp. 18, 19.

In one of these houses, called by the name of University Hall, from the circumstance of its purchase by the University, the four Masters took up their abode. They were governed by the brief Statutes issued in 1280 till the year 1292, when, at the instance of the Executors of William of Durham, the University issued a new and somewhat larger Code, in which the Society was recognised as a College; and the four Masters, who were now called Fellows, were allowed, for the sake of increasing their maintenance, to invite other respectable persons to live with them. For the future, the election of Fellows was, "according to the Founder's will," to be strictly confined to those "nearest Durham."

Ibid. p. 35.

Ibid. pp. 38—45.

SECOND CODE OF STATUTES.

THIRD CODE OF STATUTES.

In 1311, a third Code was issued by the University, which organised the Society still further. It enjoined masses for the soul of William of Durham, and commanded that the Fellows should cause themselves to be called "the "Scholars of William of Durham;" that they should study Divinity exclusively, except in the Long Vacation, when they might hear Lectures on the Decretals; that they should receive no allowance, if absent beyond one month; that their number should be increased with the increase of the rents, and that Fellows should be selected, without acceptance of country or person, who were of good morals, poor and indigent, most apt to profit in Theology; but a preference was to be given to those "from nearest to the parts of Durham." This last clause seems intended to effect a compromise between the complete freedom of the first and the close restrictions of the second Code.

Ibid. pp. 47—51.

Wood's Colleges and Halls, p. 42.

Smith's Annals of University College, p. 61, 62.

By these Statutes, with the addition of a few isolated Decrees issued by the University in 1380, 1475, and 1478, the College was governed till the year 1736; having, however, gradually changed its name from "the College of "William of Durham" to that of "the College of the Mickle or Great Hall "of the University," which title was granted to it in a Charter from Queen Elizabeth.

Ingram's Memorials of University College, p. 6.

In 1726, a disputed election to the Headship brought the right of Visitation before the Court of King's Bench. The University had hitherto acted as

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Smith's Annals of University College, p. 127.

Founder and Visitor of the College: that title and the rights of Founder were transferred from the University to the Crown, on the ground of a tradition that the College was founded by King Alfred,—a tradition of which the first distinct trace seems to occur in the reign of King Richard II. This right of the Crown has been acted upon ever since; and by virtue of it, King George II., in 1736, at the request of the College, issued a new Code of Statutes, drawn up by the then Master (Dr. Cockman) and the Fellows. This Code superseded the older Codes, and has governed the College ever since.

THE FOURTH CODE OF THE PRESENT STATUTES OF THE COLLEGE.

This Code, though amongst the most recent, yet preserves the general type of an ancient College. Latin was still ordered to be spoken in Hall, and the Bible read during dinner. The usual disputations and exercises were to be carried on. Prælectors only, and not Tutors, were to be the instructors of the College, although the Lectures of the Tutors are incidentally mentioned. The Fellows (with two exceptions) were to study Theology, and were to take Orders, on pain of losing their Fellowships, unless the majority of the College dispensed with this obligation. Attendance at Chapel twice a-day was required from all. In other respects the College received a Constitution suited to modern times. Commoners were allowed. The Reformed Church of England was, of course, recognised. The claims of poverty, as understood in former times, were virtually superseded by the permission to Fellows to hold property to the amount of 80*l.* a-year.

FOUNDATIONS.

From the successive Codes by which the College has been governed we turn to the various Foundations of which it is composed. The earliest, as we have seen, was the establishment in 1280 of Four Masters of Arts, who were to be supported from the bequest of William of Durham. The number of Fellowships has since been diminished to two, the other two having been appropriated to form the income of the Mastership. In 1319, Dr. Beverley left estates for the support of two Fellows, to be elected from Beverley, Holderness, or the neighbourhood. These Fellowships have disappeared. In 1403, King Henry IV., at the request of Walter Skirlaw, Bishop of Durham, granted a manor in Essex to support three Fellows, who should celebrate mass for the souls of himself and Bishop Skirlaw. These Fellows were to have, besides the usual commons, forty shillings a-year, but were to hold no ecclesiastical benefice. They were to be elected from natives of the dioceses of York and Durham rather than from those of any other place. In 1442, Henry Percy, Earl of Northumberland, in consideration of the great impoverishment of the College, left an estate to support three Fellows, natives of the dioceses of York, Durham, and Carlisle, with a preference to natives of Northumberland, who were to study Divinity and to say masses for his soul. In 1631, Sir Simon Bennet left an estate to support eight Fellows and eight Scholars. The number of his Fellows, in consequence of the decrease of the rents of the estate, was reduced to four. He left no regulations, and therefore the College itself gave Statutes to this Foundation. By these Statutes the election of the Fellows was limited to the Scholars, and the election of both to natives of the province of Canterbury; apparently with the view of securing some benefit to the natives of southern counties, whom the practice of the College had excluded from the other Fellowships. One Fellow or Exhibitioner, and two Scholars, were to be supported by an estate left by John Freyston in 1592, on the condition that they were elected from natives of Yorkshire.

Wood's Colleges and Halls, p. 42.

Smith's Annals of University College, p. 217.

Wood's Colleges and Halls, p. 47.

Ibid. p. 49.

Ibid. p. 48.

Two Fellowships were added by Dr. Radcliffe in 1724, for "persons who "are Masters of Arts, and who have entered on the Physic line," tenable for ten years, during half of which time they must travel abroad. The election was vested in the Electors of the Radcliffe Librarian. The Radcliffe Fellows have no share in the government of the College.

In 1837, a Bye-Fellowship for Students in Civil Law was founded by Viscountess Sidmouth in honour of her father, Lord Stowell.

Six Yorkshire Scholarships were added in 1590, 1595, and 1760; three open Scholarships in 1580 and 1586; four Kent Exhibitions in 1618; and four others, the nomination to which is not in the College, in 1584 and 1587. Some endowments were given for the payment of Lecturers and Servitors. The College established three open Scholarships in 1837 and 1841, and another was founded in 1849 by Dr. Shepherd. The endowments intended for Servitors are now given to a Bible Clerk.

PRESENT CONDITION OF THE COLLEGE.

There are now twelve Fellows recognised by the Statutes, with equal privi-

leges and emoluments. Of these, five, as we have seen, are comparatively open, with a preference to the natives of certain localities. Three are confined entirely to the northern dioceses, four to Scholars of the College. There are twelve benefices in the gift of the College. UNIVERSITY COLLEGE.

In 1851 the number of Undergraduates and Commoners in the College was sixty, the total number of Members of the College was two hundred and sixty, and about fifty-five resided within the walls. NUMBERS.

It may be added that the College has within the last twelve years increased its accommodation for Students.

The number of Tutors, Assistant-Tutors, and Lecturers was five. Lectures continued for twenty-four weeks in each year. There were also terminal Examinations. About fifty Lectures were given weekly. The Tutors divided the subjects of instruction amongst them, according to their several tastes. STUDIES.

The course of studies for Candidates for Honours; included Thucydides, Herodotus, Livy, Tacitus, Aristotle's Ethics, Rhetoric, Politics, and Organon; Homer, Æschylus, and Aristophanes; Juvenal; general Lectures on Greek and Roman History, and occasionally on Modern History. That prescribed for Candidates for an Ordinary Degree included Sophocles, Herodotus, Thucydides, Plato's Phædo, Virgil, Livy, Cicero's Tusculan Disputations, and Sallust. There were also Lectures for all the Undergraduates on the Old Testament, the Gospels, the Acts, the XXXIX Articles, and occasionally on the Epistles.

The average amount of Battels in 1849 was 103*l.* BATTELS.

The Fellowships are now worth about 190*l.* a-year; the Mastership is said to be worth about 600*l.* a-year. EMOLUMENTS OF THE MASTER AND FELLOWS.

This College has, since the appointment of its present Master, made great efforts to release itself from the restrictions which Statute or custom had imposed upon its elections. In the case of the Skirlaw Fellowships, the letter of the present Statutes was less liberal than the will of the Founder. By the Code of 1736, these Fellowships were confined absolutely to natives of Yorkshire, though Skirlaw in his will had merely given them a preference. But, as the will was expressly referred to in the Statutes as guiding the elections, and was ordered to be read at elections, the College in 1838 restored these Fellowships to general competition. In 1837, it had taken the same course with the Fellowships of William of Durham, which had been restricted in practice to natives of Durham. The opening of both these Foundations, though the College had for two centuries at least persevered in restricting them, was subsequently confirmed by the Lord Chancellor, acting as Visitor on behalf of the Crown. The clerical restriction has also been nullified by the permission of the College to some of the Fellows to retain their Fellowships, though continuing laymen, and this, in the case of the three Percy Fellows, in contradiction to their Founder's will. CHANGES EFFECTED BY THE COLLEGE ITSELF.

The result of these changes may be seen in the success which has of late years attended the Students of this College in the Schools of the University, in spite of its limited numbers and resources.

We have but few recommendations to offer; but for those few the extensive changes which University College has undergone since its first foundation, both in the distribution of its property and in the regulations by which it has been governed, furnish all the justification which precedents can furnish. It has received at least four codes of Statutes, each superseding the other. The will of its actual Founder, William of Durham, does not exist. The special objects for which the Fellowships of William of Durham, of Skirlaw, and of Percy, were founded, have been set aside by the Statutes of King George II. We further understand that, although the Statutes, as might be expected from their recent date, contain comparatively few regulations incapable of being observed, the College, in 1851, appointed a Committee to submit a revision of the whole Code to the Crown.

Under these circumstances, we cannot doubt the propriety of recommending that the Oath to observe the Statutes should be prohibited as unlawful; that the Master and Fellows be released from the obligation of attending Disputations, and other obsolete practices; that all the Foundations should be thrown open; that the property qualification should be altered; and that the necessity of taking Orders should be repealed by law, as it has for the most part been virtually repealed by the College itself. MEASURES REQUIRED.

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BALLIOL COLLEGE.

From the Officers of this College we have received full Evidence, a statement of their corporate Revenues, and a copy of the Statutes, from which our printed text is taken.

FOUNDATION OF BALLIOL COLLEGE AS AN ENDOWED HALL.

Balliol Stat., Pref. p. i. ii. iii.

Wood's Colleges and Halls, p. 73.

Ib. pp. 75, 76.

About the year 1282, Devorguilla, widow of John Balliol, in accordance with her deceased husband's wishes, settled sixteen scholars in a tenement in Oxford, with an allowance of eightpence a week to each. In a short code of Statutes, she bound them to pray for the soul of her husband, her ancestors, her children, and others, and to procure three masses to be said annually for the same purposes. They were to elect their Principal, and to be subject to the superintendence of two "extrinsic Procurators." Of these Procurators traces are found in 1340. The allowance for the commons of the Scholars was to continue only till they were Masters of Arts; and "some of them, if deficient "in parts, became then either exposed to beggary, or were forced to seek a "maintenance in mechanic professions; which great inconvenience, being be- "held by many and pitied, it pleased one Sir William Felton, in the 14th of "Edward III., or thereabouts, to give to the College the rectory of Alboldesly, "with the manor thereof, in the county of Huntingdon, to augment their "number and supply them with books, clothes, and other necessaries, which "rectory Pope Clement VI. did not only appropriate to the College, but "confirmed that which Sir W. Felton had begun, viz., that the Fellows thereof "might keep their places, notwithstanding they were Masters or Doctors, till "they had got an ecclesiastical benefice." But the society scarcely obtained the character of a College, as we now understand it, till Sir Philip Somerville in 1340, with the sanction of Edward Balliol, King of Scotland, who styles himself its Founder, gave it a church and lands in Northumberland, a body of Statutes, and the power of electing a perpetual Master, who was, however, to resign his office if he obtained property or a benefice of the value of 40*l.* annually. He added six to the existing number of sixteen scholars. Thomas Cave left 100*l.* to buy benefices in Lincolnshire two years afterwards, in order to increase the number of Scholars.

SIR W. FELTON'S BENEFACTION.

BALLIOL MADE A COLLEGE BY SIR P. SOMERVILLE.

Balliol Statutes, Pref. p. iv.

SECOND STATUTES OF BALLIOL.

Wood's Colleges and Halls, vol. i., p. 76.

THIRD STATUTES OF BALLIOL.

A third code of Statutes, given by Bishop Sudbury in 1364, under the authority of the See of Rome, superseded those of Somerville. Of the Statutes of Sudbury nothing remains.

FOURTH AND PRESENT STATUTES OF BALLIOL.

They were replaced in 1507 by a code, drawn up by the Bishops of Winchester and Carlisle, acting under a commission of the Apostolic See, which was then occupied by Pope Julius II.

PROVISIONS OF THE CODE OF POPE JULIUS II.

Wood, ib. p. 73.

The Corporation, according to its latest Statutes, is to consist of a Master and ten Fellows. Each Fellow is to have the nomination of one Scholar and the Master of two. These Scholars are to be "Servitors" to their respective Patrons.

THE MASTER.

Balliol Statutes, c. 4, 6, 8.

c. 25.

The Master is to be a person of the Degree of Master of Arts at least, brought up in the College as a Fellow. A stranger may, however, with the consent of the Visitor, be elected. He is to reside at least forty days in each Term. Sixteen pence ordinarily, and sometimes twenty pence, are to be allowed out of the property of the College for his commons; and he is to be paid twenty shillings and eightpence in money every year, with twenty shillings when he first begins to read in the Book of the Sentences,—the subject in which a Bachelor of Divinity was then to lecture,—and two marks when he proceeds to his Doctor's Degree. He is also to have the offer of a College benefice.

PRESENT EMOLUMENTS OF THE MASTER.

Evidence of the Bursars of Balliol, p. 314.

The present emoluments of the Master are a house, a double Fellowship, which, together with other small perquisites, is worth about 450*l.* a-year, and a pension of 300*l.* a-year, assigned to him by an Act of Parliament, passed in the latter half of the last century, out of the rectory of Huntspill, on condition that he shall not hold any benefice in the gift of the College. But he may hold preferment in other patronage. The total income of the Master from his College is, therefore, about 800*l.* a-year. The Statutes having been passed in Roman Catholic times, and the Head being necessarily in Priest's Orders, he

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was, of course, bound to celibacy. The Head is at present not regarded as being under any such restriction.

NUMBER OF THE FELLOWS.

There were to be, according to the Statutes, ten Fellows; a larger number, if the Revenues of the College should increase, a smaller, if they should diminish,—the propriety of increasing or diminishing the number being, however, left to the judgment and conscience of the Visitor, the Master, and the three senior Fellows. The Fellows, at the time of their election, were to be Bachelors of Arts, not able to spend forty shillings a-year from any exhibition, provision, or ecclesiastical income. The qualifications for election are poverty, proficiency in learning, and good manners. A Scholar of the house, even though an Undergraduate, is to be preferred to a stranger. The Master has two, and each of the Fellows one vote, in the election. The Fellows are bound to reside, except for eight weeks in vacation; to take Orders within four years from the Master's degree; to study in no Faculty but Logic, Philosophy, and Theology; and frequently to take a part in the disputations in the Hall. Two of the Fellows are, at the time of their election, to be Priests, who besides their duties as Fellows, are to say or to prepare themselves to say a daily mass for the benefactors. The allowance for the commons of the Fellows, if they are Masters of Arts, is to be the same as that specified for the Head, namely, sixteen pence a week ordinarily, and in some weeks twenty pence. They are also, like him, to have every year twenty shillings and eightpence in money. If only Bachelors, they are to be allowed as much for commons as the Master and other Fellows, but their salary is to be only eighteen shillings and fourpence. When they determine as Bachelors of Arts, they are to have five shillings; when they become Masters of Arts, one mark; and the same sum as the Head when they proceed to the higher degrees. On the subject of the celibacy of Fellows, there is no express provision in the Statutes. The Fellows are forbidden to perform parochial duty.

Balliol Statutes, c. 10.

c. 11, 12.

c. 13.

c. 20.

c. 18.

c. 25.

PRESENT CONDITION OF THE FELLOWS.

The Fellowships appear to be, at present, worth about 220*l.* a year. In virtue of a decree made by the Visitor, the Master, and the three senior Fellows, purporting to interpret a doubt, the College is empowered to elect Candidates to Fellowships, though they do not propose to take Orders. The Fellows are not now kept to residence; but two-thirds were resident in 1851, and nearly one-half of the whole number were engaged in the service of the College as Officers and Tutors. The Fellows are elected after a severe competition, solely with reference to merit,—even Scholars, when preferred, (as the Statutes direct), having been, at least, equal to any of their opponents. It is about thirty-five years since the College was thus thrown open. It is believed that formerly elections were decided by personal interest.

Evidence, p. 314.

Balliol Statutes, App. p. 37.

Evidence, p. 316.

Evidence, p. 310.

The number of Fellows on the original Foundation of the College has never, so far as we know, been increased with the increase of its Revenues. In 1677, a Fellowship was suppressed by a decree of the Visitor. Three engrafted Fellowships, provided for by fresh endowments, have, in comparatively recent times, been appended to the older Foundations. Two of these Fellowships tenable only for ten years, confined to persons brought up in Tiverton School, and in the nomination of the feoffees of Mr. Peter Blundell's lands, were added by his executors about the year 1615. They are to be on the same footing as the original Fellows in other respects. Lady Elizabeth Periam founded one Fellowship in 1620, which is altogether assimilated to the Fellowships on the older Foundation.

Wood's Colleges and Halls, p. 79.

SCHOLARS.

The Scholars appointed (as above stated) by the Master and Scholars to be their Servitors, were not to be beyond eighteen years of age at the time of their reception, and sufficiently learned in plain song and grammar. They are to wear the clerical dress and to be tonsured, to study Logic, to wait on the Master and Fellows, and to live on the broken meat of their table. They are to be presented for admission to the Master and two Senior Fellows, by the Fellow whom they are to serve. The Scholars are to remain in the College till they attain their twenty-fourth year.

Balliol Statutes, c. 16.

PRESENT CONDITION OF THE SCHOLARS.

The Master and Fellows waived their right to nominate Scholars about twenty-five years ago; and the Scholars, like the Fellows, are now elected by open competition.

In the year 1834 it was ordained by a decree of the Visitor and the College that a new Statute altogether should be substituted for the Statute of 1507, respecting the Scholars. There are, according to that decree, to be twelve

Balliol Statutes, App. p. 36.

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Scholars, besides Mr. Blundell's, under nineteen years of age at the time of their election, to be chosen by the Master and Fellows, on the ground of superiority in learning and morals. Not more than two are to be chosen in one year. It does not appear that the Statute applies to Blundell's Scholars, who are still to come from Tiverton School; but Lady Periam's Scholar falls under that Statute. The Scholarships appear to be worth about 32*l.* a-year.

Evidence, p. 314.

EXHIBITIONS.

Balliol College is rich in exhibitions. Ten of these, founded by Mr. Snell, and of the annual value of 116*l.* 10*s.* each, tenable for ten years, are in the gift of the Principal and Professors of the College of Glasgow, for the Students of that College. Fifteen others, varying in value from 15*l.* per annum to nearly 60*l.*, and tenable for terms varying from seven to fourteen years, are in various nominations, and for the most part confined to schools, counties, or families.

Evidence, p. 314.

COMMONERS.

The number of Undergraduate Commoners in the College in 1851 was eighty, paying on the average 78*l.* a year for battels.

NUMBER OF MEMBERS IN 1851.

The total number of members of this College in 1851 was three hundred and thirty-four, and about eighty resided within the walls.

REVENUES.

The total revenues of the College in the year 1850 were 5,896*l.* 9*s.* 11*d.* Of this sum nearly 850*l.* was appropriated to "domus," that is, to repairs and other general purposes; about 1,430*l.* to exhibitioners; somewhat more than 3,000*l.* to the Master, Fellows, and Scholars; 126*l.* to College Officers and Lecturers; and the remainder went to defray petty expenses and contingencies.

Evidence, p. 314.

STUDIES.

The number of Tutors, Assistant Tutors, and Lecturers, is six. They instruct during twenty-five weeks, and examine for three in each year. Fifty Lectures are given weekly, besides the Mathematical Lectures. The subjects are those of the Old Testament, the Articles, the Liturgy, the Gospels and Acts, the Epistles; Aristotle's Ethics, Rhetoric, or Politics; Plato, or the History of Philosophy, or Bacon's Novum Organum; Logic; Livy, Tacitus, Herodotus, Thucydides; Homer; Greek Plays; Cicero, Greek and Latin Composition; Modern History; Political Economy. The number of Undergraduates who attend Mathematical Lectures beyond Euclid and Algebra is fourteen. There is a division of labour among the Tutors, not however so carried out as absolutely to confine a Tutor to a particular range of subjects.*

Evidence, p. 317.

The Master of the College devotes several hours in the week to an examination of the Essays of the Undergraduates.

ADVOWSONS.

There are eighteen benefices in the gift of the College.

VISITOR.

Balliol College enjoys the singular privilege of electing its own Visitor. He is to be a person capable of supporting the expense of the office; for instance, a prelate or dignitary, or a clergyman beneficed to the amount of 100*l.* a year; a Master of Arts, or a Bachelor in Divinity or Canon Law; and willing to take care of the Collegiate "body when in sickness or misery," without any reward beyond a funeral service and a mass on his decease. He is empowered to visit the Master, Fellows, and all others in the College, once a year, or oftener, if invited; to make, set forth, and add Statutes not contrary to those made under the auspices of Pope Julius II., and to explain obscurities or ambiguities in the Statutes, conjointly with the Master and the senior Fellows.

Balliol Statutes, c. 40, 41.

OATHS.

The oaths imposed on the members of this Society are much less objectionable in form than those which are to be taken in several other Colleges. The Master, Fellows, and Scholars swear, however, that they will observe the Statutes of the College; and the Statutes of the College, though remarkable for their liberality when compared with many other codes, are not and cannot be observed. It is doubtful whether the statutable power of the Visitor and the College is such as to warrant the decree of 1834, which abrogated the Statute respecting the Scholars in almost all its parts, as well as several clauses in the indenture made with Lady Periam; or rather, it seems certain that they possessed no such authority. The decree was, indeed, in itself wise and liberal, and having been carried into execution wisely and liberally, it has brought honour to Balliol and the University.

c. 7.

c. 7, 14.

MEASURES REQUIRED.

We are of opinion that the oath exacted from the Master, and other mem-

* We have given the Course of Studies in the two first Colleges, because in each case it has been given in detail, in the Evidence, and because it probably comprises all that is usually taught in the Collegiate system. We have not thought it necessary to make similar statements in the remaining Colleges.

bers of this College, should be prohibited; and that the Master and Fellows should be relieved from the prohibition to perform parochial duty; from the obligation of taking Holy Orders; of increasing the number of Fellows; of electing the Fellows on the ground of poverty; of holding disputations in the Hall; of allotting their revenues as the Statutes prescribe; of reading the Bible at meals; of speaking Latin; of continued residence in College; and from the obligation to obey many other minute rules which fill a great part of the Statutes.

We are of opinion also that all the Fellowships, Mr. Blundell's included, should be thrown open absolutely; that all the Scholarships should be raised to the value of fifty pounds a-year, and be tenable for five years only; that the number of Scholars should be sixteen, in order that one Scholarship in each year,—that is, five in all in lieu of two,—may be appropriated to Tiverton School; that, if necessary, the election to one, or even two Fellowships, should be suspended in order to provide the necessary funds, without injury to the present holders of Fellowships; that the College should itself elect the Scholars from Tiverton School, and be bound to proceed to an election only in case a Candidate should present himself who, in their judgement, would be likely to do credit to the places of his education; that the tenure of all Exhibitions should be limited to five years. Those of Mr. Snell might be left as at present, as being of sufficient value to aid young men in their professional pursuits.

It is the most distinguishing characteristic of this Foundation that it is peculiarly free from all restrictions which might prevent the election of the best candidates to its Headship, Fellowships, Scholarships, and even to its Visitorship. The result of this has been that Balliol, which is one of the smallest Colleges in Oxford, as regards its Foundation, is certainly at present the most distinguished. The measures which we recommend would, indeed, enable other Societies to carry on a generous rivalry with it; but on the other hand this College would enter on the contest still more unshackled than at present, with the advantage of its well-earned reputation, and with the command of the services of some of the ablest persons in the University.

MERTON COLLEGE.

HOUSE OF THE SCHOLARS OF MERTON, otherwise MERTON COLLEGE.

From this College we have received Evidence, as to its Studies, Discipline, and corporate Revenues, but we have not been furnished with a copy of its Statutes. A translation, however, of the Statutes of Merton, and of many other documents connected with the history of the College, was published by Mr. Perceval in 1847, and to this our references have been made. The MS. from which the translation was made is in the British Museum, and from this Copy is taken the text printed by our orders.

We have already said much concerning the history of this the model of secular Colleges, and we shall endeavour to avoid repetitions as far as we can.

STATUTES.

Merton Statutes, c. 1, 30.

The Statutes of Walter de Merton, given in 1270, are still the Statutes of the College. The Founder directs that they shall "be observed without "intermission during all times to come," and the Officers of the College are to apply all diligence "that the rule be fully observed for ever without fraud or "evasion." Visitors have, however, modified them in many important points, and it will be found that by far the greater part of their provisions has ceased to be observed.

STATUTABLE CONSTITUTION OF THE COLLEGE.

The College was to consist of a Warden, four Ministers of the Altar, or three at fewest, and as many Scholars as the means of the House could maintain,—each individual receiving fifty shillings, and no more. It was also to educate thirteen young children of the Founder's kindred who might need support in consequence of the death or poverty of their parents.

PRESENT CONSTITUTION OF THE COLLEGE.

It now consists of a Warden, twenty-four Fellows, and two Chaplains.

THE WARDEN.

No qualification beyond those of judgment and experience in spiritual and temporal affairs are required in the Warden. It is not specified, as it is in the analogous cases in other Statutes, that he shall be in Orders, or a Graduate; and it is expressly laid down that he need not belong to the House when elected.

Ibid. c. 29.

The seven senior Fellows are to make inquiry of all the Scholars of the House, whether they are acquainted with any persons qualified as the Statutes require; and after taking into consideration "the industry, probity, and respec-"tability of the persons mentioned by the Scholars," they are to select three of the number, "or they may take any other persons;" and then they are to give in these three names to the Visitor, in order that the Visitor may nominate any one of the three whom he may deem best qualified. But notwithstanding these provisions, the election is virtually in the hands of the seven Seniors; the practice being commonly to send up to the Archbishop the name of the Candidate really desired, coupled with two others, not likely to be appointed. The College has, however, been, once at least, surprised by the choice of the Archbishop.

EMOLUMENTS OF THE WARDEN.

Ibid. c. 28.

The Warden is to have a table, at which the Vice-Warden and the three Chaplains, and also the five servants, if so many are wanted, who wait on the Warden, the Vice-Warden, and the Chaplains, are to mess with him. For this he is to receive fifty marks a year out of the means of the House. The Warden is also to have two horses, with provender for them; he being bound to visit every year all the manors and places which belong to the House. He is also to have clothing for his own person, and pay for his servants. And as the Stewards, Bailiffs, and their messengers, are to be entertained at his table, the Warden, Vice-Warden, and the Chaplains are to receive a tithe of the improved income which may arise out of any manor, provided that the improvement shall amount to one-half more than the original income. When the Warden becomes incapacitated for what must then have been a laborious office, he is to be competently and decently supplied in the house with necessary food and clothing for the whole course of his life. The Warden is to govern with the assistance of a seniority, varying in number in different cases; but it appears from an opinion given by Counsel in 1680, that the Warden can by himself expel a Fellow, even without previous admonition. The present emoluments of the Warden, in money, are 1,050*l.* a-year.

Perceval, Merton Statutes, p. 67.

Evidence, p. 318.

MERTON COLLEG .

FELLOWS.

We have before stated that the number of Scholars (now termed Fellows) to be supported by his House was left unlimited by the Founder. They were to receive fifty shillings a-year for all their expenses; and in case the goods of the House should have been so augmented that the number of Scholars would admit of increase at the same rate of support, it is to be increased "for the "honour of God's name." If the Warden, "in consequence of his own self- "indulgence," should present any obstacle to an augmentation of the number of Scholars when the means are increased, he is to be fined at the discretion of the Society, and in case of obstinacy, is to be deposed by the Visitor "as guilty "of a grievous crime." But if the Warden and the Society concur in refusing, means are pointed out to effect the Founder's object, and the Visitor is required to interpose in virtue of his general authority. This was done, as we have seen, fourteen years after the death of the Founder, by Archbishop Peckham; again, by Archbishop Chichele in 1425, who ordered that Fellows should be elected to complete the number of forty-four; and again by Archbishop Warham about one hundred years afterwards. Finally, Archbishop Laud, in 1640, issued an ordinance of a different character, enjoining that the number of Fellows should never exceed twenty-four at one time, without the express consent of himself or his successors. It appears from the Pope's Bull of 1280, that the Founder had left in the Society no less than forty Fellows and four Ministers of the Altar.

Statutes, c. 25.

Perceval, Merton Statutes, p. 67.

p. 116.

p. 87.

ELECTION TO FELLOWSHIPS.

Statutes, c. 21.

LIMITATION TO KINDRED AND DIOCESES

c. 40.

c. 13.

The Fellows are to be elected by the Warden and thirteen Fellows, or in case of difference by the Warden and the six senior of those thirteen. They are to be first and chiefly those who are of his own kindred, with a further preference to the thirteen young children of his blood, who are to be brought up in the House until they make their way to the Schools, if "they be of abilities and "qualified for that purpose." Next to them are to "come persons who are "from the Diocese of Winchester, and from other Dioceses and other places, "where the benefices and estates in fee, and the other possessions appointed for "the support of the College, are situated." The statement as to the restrictions on Fellowships, given in the Oxford Calendar, is, that "the Founder limited "his bequest to natives of those Dioceses where he had property. Hence "Hereford, Chichester, Exeter, Rochester, Lichfield, Chester, Carlisle, "and the Welsh Dioceses are excluded." This statement appears inconsistent in several respects with the provision of the Statutes above quoted. The College early manifested its repugnance to receive persons of the Founder's kindred, and from the preferred Dioceses, as we have already had occasion to show, as also to receive persons who were indigent and little advanced in learning. In the year 1438, or thereabout, the Warden repaired "to Basingstoke, the more especial seat of kindred and place of proving it," and by himself or by commission took the depositions of a "kind of inquest of "relations." A pedigree was returned in full form by a notary public. But the last person admitted as a kinsman was admitted in 1486. In 1577, it was entered in the College Register that the junior of seven persons elected in that year was chosen "non ideo quod de genere fundatoris sit, quemadmodum ejus "pater probatum cupit, sed quod bonæ spei juvenis."

Perceval, p. 116.

The Statutes do not require that the Scholars should be of any particular standing in the University, nor that they should proceed to Degrees, nor that they should take Orders; but the College, apparently in the exercise of its power to make Bye-laws, has imposed on a certain number of its Fellows the last-mentioned obligation. The Scholars are to lose their place in the College when they obtain "uberius beneficium." But this rule being inadequate, and giving occasion to "demonstrations of partiality or aversion," Archbishop Laud determined that if any Fellow should obtain any secular fee or pension exceeding in value the emoluments which by the rule of the Society accrues to each of its Fellows, or receive any ecclesiastical benefice, with or without cure of souls, of above the value of eight pounds in the King's books, he should become "ipso facto a private man." The Founder certainly did not intend that the Warden and Scholars should divide any surplus among themselves. The same Visitor, who had also limited the number of Fellows, decreed that one-half of the moneys paid to the College on account of leases or demises should go to the Warden and Fellows, and the other half be converted to the common uses of the College unless some further distribution should be allowed by subsequent Visitors. Whether the present practice of the College be thus authorised we have no means of learning.

Perceval, p. 88.

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The common belief in the University is, that the elections to Fellowships at Merton were formerly determined by personal interest. But it is understood that of late years a considerable improvement in this respect has taken place.

SUBSEQUENT ENDOWMENTS.

No Fellowships have been engrafted into Merton College since the Foundation, but it has received several benefactions; of some of them we have no account.

POSTMASTERS.

Kilner, pp. 125, 126.

In the year 1380 Dr. Wylliot intrusted the College with an endowment for twelve Portionists, or Postmasters. These resided for two centuries and a half in a hall of their own, "and with a Principal and establishment as "in other Halls, for junior as well as distinguished Scholars. They were no "otherwise in the College than as having a place in the College chapel, and "thereupon, in the latter part of this time, they were made to serve as "choristers in the same. And when, from decay of their Hall and reduction "of their revenue, they were towards the beginning of the last (seventeenth) "century compassionately taken into the College, it was as servitors to their "several and individual masters, who found them tutorage and lodging, and "the House not a little contributed to their commons." Subsequently, by the "liberal and liberating mind" of the Society, "they were raised out of this "state of humility, and then as places in the nomination of individuals were "filled by the friends and relations of the nominating and other Fellows, and "the then introduced Tutors," whereas before "the places" of Walter de Merton "were open and alike, on equal terms, to the whole exterior flower of "this University, and without excluding that of any other there might be in "the kingdom." This abuse has, we believe, ceased. The Postmasters are much in the same position as the Scholars of many other Colleges; they are elected by open competition. Their emoluments are 40*l.* a-year, and three of them, selected for their merit, receive 20*l.* a-year more. The Postmasterships are tenable for five years. There are also four other small Scholarships.

CHAPLAINS.

Archbishop Chichele ordered that, in addition to Walter de Merton's three or four Ministers of the Altar, three or four more Chaplains should be supported in the College. There are now only two Chaplains, who receive 55*l.* and 60*l.* a-year respectively.

COMMONERS.

The College now educates independent members. These were in 1851, twenty-seven in number, and together with Postmasters, Scholars, and Bible Clerks, formed an Undergraduate body of thirty-five. The average amount of the battels of Commoners was 120*l.*

NUMBER OF MEMBERS ON THE BOOKS.

The total number of members on the books was, in the year above named, one hundred and seventy-six.

STUDIES.

Statutes, c. 3.

The Scholars, that is, the Fellows, are by the original Statutes to employ themselves in the study of Arts or Philosophy, the Canons or Theology; but the majority are to continue in the liberal Arts and Philosophy "till they are "passed on at the award of the Warden and Scholars," to the study of Theology, and four or five may become Students in Canon, or even in Civil Law. One is to devote himself to Grammar, and to be supplied with books and other requisites at the expense of the House. He is to have the care of the Students in Grammar, and the more advanced in years are to have recourse to him, "without a blush," when doubts arise in his Faculty. The Fellows are to be divided into Classes of ten or more; and each Class is to be under the care of some one of the discreetest of the Fellows, who, under the name of Dean, must see to their proficiency in study and propriety in manners. It appears that, in other respects, the Fellows are to depend for their learning on the Teachers of the University. At a later period there were disputations in the College, which are strongly insisted upon by Archbishop Laud. At present the Studies are much the same as in other Colleges. There is, considering the number of Undergraduates, a considerable staff of Instructors: it consists of two Tutors, besides a Lecturer in Divinity, and one in Mathematics.

Perceval, p. 50.

ADVOWSONS.

Merton College now possesses seventeen advowsons. To some of these it presents only in turns with other Patrons.

VISITOR.

The Visitor is the Archbishop of Canterbury. There have, as we have seen, been many occasions on which Visitors have interfered in the affairs of the College. It would appear that till the time of Archbishop Laud their decrees were all in furtherance of the intentions of the Founder; but that Prelate issued some injunctions which it is difficult to regard as mere additions to or explanations of the Statutes.

We subjoin the statement of its revenues and expenditure, supplied to us by the College :—

"The property of the College consists principally of manors, of freehold "lands and houses, and of tithes, or tithe-rent charges.

"The freehold lands and tithes are, for the most part, let on leases for terms "of twenty-one years, reserving rents in corn and money, and renewable every "seven years on payment of fines.

"The freehold house property is similarly dealt with, except only that in "such cases the terms are forty years, and the period of renewal after the "expiration of fourteen.

"The fines on renewal are set on the principle of the College taking, in the "case of lands or tithes, renewed for twenty-one years after the lapse of seven, "one year and three-quarters' purchase, and in the case of houses, renewed "for forty years after the lapse of fourteen, one year and one-quarter's purchase, "of the estimated rack-rent value of the estate, after deducting the amount of "the reserved rent.

"The remainder of the freehold lands and houses are let at rack-rent, and "the remainder of the tithes are in the hands of the College, with the ex-"ception of such portions of the latter as, being customarily granted in aug-"mentation of ecclesiastical benefices, form no addition to the disposable "income of the College.

"The copyhold property, held under the College as lords of its several "manors, is either of inheritance, on lives, or for terms of years, and fines and "heriots are payable according to the custom of each manor on death or "alienation, and on renewal of lives or terms of years. Small annual quit-rents "are also paid.

"The College possesses also some sums of money in the funds, the produce "of sales of land effected under railway or other Acts of Parliament, and "invested either under the direction of the Court of Chancery or in the "names of Trustees. It derives also a small income from the rent of its rooms "in College, and it reserves the timber upon its landed estates, the produce of "which, however, has of late been wholly applied to the repair and improve-"ment of the farm buildings upon them.

"The disposable annual income of the College (calculated on an average of "the last seven years) is, therefore, as follows :—

	£.	s.	d.
"From fines of freehold lands and tithes. .	2,500	0	0
"From reserved rents of the same . . .	1,800	0	0
"From rack-rent estates and tithes in possession	2,000	0	0
"From manorial profits	600	0	0
"From dividends on stock	200	0	0
"From rent of rooms	120	0	0
Total . .	£7,220	0	0

"It should, however, be observed that, from the operation of various causes, "such as the Tithe Commutation Act, Railway and Enclosure Acts, the repeal "of the Corn Laws, and the non-renewal of some of its leases, the proceeds of "the landed estates of the College have been subject to more than ordinary "fluctuations during the period from which the above-mentioned averages are "taken. The amounts stated, therefore, must be taken only as the nearest "approximation to the present actual income of the College which it is in its "power to make without entering into elaborate calculations and a troublesome "minuteness of detail.

"The annual expenditure of the College is mainly as follows :—

	£.	s.	d.
"Expenses of establishment, including repairs and insurance of buildings, rates and taxes, servants and tradesmen	2,000	0	0
"Applied to the use of unincorporated members	860	0	0
"Law agency and surveying expenses . .	500	0	0
"School charities, &c.	400	0	0
"Emoluments of Warden	1,050	0	0
"Emoluments of Fellows (average 22) at 150*l.*	3,300	0	0
"Stipends of College officers	300	0	0
Total . .	£8,410	0	0

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" A comparison of the foregoing estimates of receipts and expenditure shows " an excess of the latter over the former amounting to nearly 1,200*l.* per annum. " This has arisen wholly from the non-payment of fines in certain cases (espe- " cially of tithes) where the leases have not been renewed, and are in the course " of running out; and the deficiency has been supplied, without disturbing the " customary administration of the College, out of a previously accumulated " fund. That fund is now exhausted, but the leases alluded to being also on " the eve of expiration, it is obvious that the increased income to arise from " the rack-rent value of those estates, when in possession, will still enable the " College to pursue the same beneficial system in future, and probably at an " accelerated rate."

OATHS.

PRESENT OBSERVANCE OF STATUTES.

The Fellows are on their admission to be subjected to the obligation of an oath to "observe all the particulars contained" in the Statutes, and "their " sequel," and, "in an especial manner, that article" which provides that, in case of their expulsion, they shall expressly renounce every appeal and remedy of law. The Statutes of Walter de Merton, though liberal when compared with later codes, have for the most part fallen into disuse, in spite of this oath.

MEASURES REQUIRED.

c. 1.
c. 2.
c. 3.
c. 7.
c. 8.
c. 8, 9.
c. 10.
c. 11.
c. 20.
c. 24.
c. 25.
c. 28.

We are of opinion that the oaths thus exacted should be prohibited; that the members of the College should be relieved from the statutable obligation of constant residence; of pursuing obsolete Studies; of devoting one Fellow to the study of Grammar; of limiting the allowance of each Fellow to fifty shillings a-year; of depriving the Fellows of their emoluments when they stay away from the Schools, that is, when they do not reside in the University; of removing Fellows if they remain ill for a year without intermission; of placing the Fellows in Classes under the care of Deans; of requiring a Fellow of mature age to sleep in the same chamber with the younger members; of appointing three or four Ministers of the Altar; of having a reader at meals; of having a common table, as ordered by the Statutes; of speaking Latin at all times; of holding periodical scrutinies into the life, conduct, morals, and progress in learning of all members; of holding special and annual visitations and inquiries into the life, conduct, and morals of the Warden; of making annual progresses; of distributing the increased revenues of the House in the proportions mentioned in the Statutes; of such a mode of living in the Hall as is prescribed to the Warden and others; and of removing the Warden from his office in his old age; and many other such provisions which almost fill the Statutes.

We are of opinion that the local restrictions imposed by the Founder should be removed, as those family restrictions on which he laid the chief stress, have been already for many centuries set aside by the College itself.

PROFESSOR-FELLOWS.
Report, p. 180.

We have already intimated our opinion that two Professor-Fellows, receiving each the emoluments of three Fellowships, should be placed in this College.

NEW SCHOLARSHIPS.

We are further of opinion that three Fellowships should be appropriated to the support of nine or more Undergraduate Scholars. The fifteen remaining Fellowships would suffice for all the other purposes of the institution.

EXETER COLLEGE.

From this College we have received scarcely any Evidence, and we have been unable to procure a copy of its Statutes. Our account of it, therefore, must be brief.

FOUNDATION.

In the year 1315 Walter de Stapledon, Bishop of Exeter, removed from Hart, otherwise Stapledon Hall, the Scholars whom he had supported in that House, to "an ancient place consecrated to learning, called St. Stephen's "Hall, which occupied the site on which stands the common gate, with the "tower over it," of what is now Exeter College. He appointed that those who should receive maintenance from his liberality should be in number thirteen, of whom one should be conversant in Theology or Canon Law, and the rest in Philosophy. They were to elect their own Principal annually.

Wood's Colleges and Halls, p. 104.

STAPLEDON'S STATUTES.

STAFFORD'S STATUTES.

Edmund Stafford, Bishop of Salisbury, in 1404 reformed the Statutes, and by "his endeavours made to Pope Innocent VII. altered the name of the House "from Stapledon to Exeter Hall." He placed in the Hall two Scholars of the diocese of Salisbury.

Ibid. p. 105.

PETRE'S STATUTES.

The third code of Statutes was "procured by Sir William Petre, to be sent "to the College from William Allen, Bishop of Exeter;" and he also procured, in 1566, "license from the Queen that the College might be a body politic and "corporate, which was never so before," with a confirmation also of all former gifts granted thereunto. The Statutes "follow those of Trinity."

Ibid. p. 106.

EXETER HALL MADE A COLLEGE.

King Charles I. annexed one Fellowship for the Islands of Jersey and Guernsey, in 1636.

Ibid. p. 107.

Lastly, Mrs. Sheers, who died in 1700, left certain rents, out of which two Fellowships were founded.

The Corporation now consists of a Rector and twenty-five Fellows.

THE RECTOR.

The Rector is elected by the Fellows. As the benefice of Kidlington is annexed without institution to the Rectorship, and therefore probably by Act of Parliament, it is certain that he will always be a clergyman. This College being poor, the office of Rector is not a lucrative one. The rectory of Kidlington can scarcely yield to the incumbent, after the legal burdens and the stipend of a Curate have been met, more than 200*l.* a year. It is generally believed that the Rector's emoluments are under 600*l.*

THE FELLOWS.

The Fellowships are now twenty-five. Eight of the Fellows are elected from the Archdeaconries of Exeter, Totness, and Barnstable; four from the Archdeaconry of Cornwall; two from the Diocese of Salisbury; eight are open to thirteen counties, mostly those of the south of England; two must come from Hertfordshire or Surrey; one from Jersey or Guernsey; and one is nominated by the Dean and Chapter of Exeter from any place they may deem fit. The Fellows must, at the time of their election, be General Sophists,—a qualification which implies at present little more than that they have reached the second year of their standing. They must, we believe, all become Bachelors of Divinity, and therefore must eventually take orders.

Exeter College is regarded as one which is very desirous of maintaining a high character, and which, therefore, endeavours to elect the most able of those who, being statutably eligible, present themselves. A complaint has, indeed, been brought before us by a Candidate, who was rejected unjustly, as he alleges, in favour of another gentleman, who was not at the beginning of the examination a competitor, and whose position in the Class list was certainly inferior to that of our informant. An appeal was made to the Visitor, the present Bishop of Exeter, who seems in his reply to intimate that he is not unfavourable to the appellant's petition in itself, but that he has no power to interfere. The College having declined to supply us with information, we are unable to pronounce any opinion on the merits of the case.

Evidence, p. 322.

The Fellowships are stated by Mr. Rigaud to have been, a few years since, commonly worth between 120*l.* and 130*l.* a year. It is believed that they have now fallen in value. Of the Fellows sixteen were and eight were not in orders in 1851. Two only were Undergraduates. Eight were engaged in the service of the College as Tutors or Officers.

SCHOLARS.

There are in Exeter College but few of that class of Students, who are in

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modern times called Scholars. The Fellows are legally Scholars, and those Members who receive emoluments under that name are not incorporated members. The College, in 1831, probably because it was desirous of securing a certain number of young men of ability, liberally provided four Scholarships from its own resources. There are sixteen other exhibitions, in various nominations, which are apparently tenable for a period ranging from four to nine years. They are all confined to particular schools or localities.

COMMONERS.

The number of young men educated in this College is very large. It consisted, in 1851, of one hundred and twenty-five Commoners, besides eight Undergraduate Scholars and Fellows. The buildings of the College are extensive, and the Society has laid out large sums in purchasing sites, in repairing the ancient parts of the fabric, and in adding new rooms.

TOTAL NUMBER OF MEMBERS.

The number of Members on the books in the same year was four hundred and fifty-five.

STUDIES.

The Studies are much the same in this as in other Colleges. The Tutors are five in number, and they are assisted by a Mathematical Lecturer.

Exeter College, which educates one-twelfth part of the Undergraduates of Oxford, by no means gains honours in the same ratio. This may be attributed to the deficiency of open Scholarships, which deprives it, doubtless, of its fair share of Students of superior ability and acquirements.

ADVOWSONS.

The College has fourteen benefices in its gift, some of which have been purchased so recently that the College has never yet presented to them.

VISITOR.

The Bishop of Exeter, as we have intimated, is the Visitor of the College. What his specific powers and statutable duties may be we have no means of ascertaining. We have stated that on one occasion the present Visitor appears to have thought that his jurisdiction did not extend so far as the case before him seemed to require.

MEASURES REQUIRED.

It will probably be found that the Statutes of Exeter College, which we have not seen, require little less revision than some of those which we have seen. We are of opinion that the oath to the observance of those Statutes, the obligation to take the Degree of Bachelor of Divinity, that of taking Holy Orders, and any provisions which enjoin obsolete practices, ought to be removed.

On the subject of opening the Fellowships, we quote the words of Mr. Rigaud:—

Evidence, p. 322.

"It is well known to your Board that the two principal Foundations in "Exeter College are the old and close Foundation for the benefit of natives of "the western counties, and the Petrean.

"The Petrean Fellowships are by statute open to natives of certain specified "counties, and 'to natives of all other counties in which the Lord Petre for "'the time being has real property.' These are therefore comparatively open.

"I have no hesitation in saying that the candidates for the Petrean Fellow-"ships are generally superior men to those for the close Fellowships. I have "no doubt that the close Scholarships and Fellowships were of less benefit to "the College than they would have have been if open. It appears clear to "me that the Petrean Fellowships would have been of yet more benefit to the "College if more open to competition than they were and are; and that such "was at one time the opinion of the College in general is evident from the "fact that certain counties before closed were (as I have been informed) opened "by the purchase of small pieces of land, and their presentation to Lord Petre "by Fellows of the College on taking preferment."

We think that an object, of which the importance is so fully recognised by the College, should be attained by a more direct process. We recommend, therefore, that the Fellowships should be thrown open to all Bachelors of Arts; that in order to place this College in a less unfavourable position than that in which it would find itself if, when Foundations in general had been relieved from restrictions, it should have only poor Fellowships and Scholarships to offer to Teachers and Students, ten Fellowships should be suspended, the proceeds of five to be distributed among the remaining fifteen Fellows, and the proceeds of the other five to be applied to the creation of ten Scholarships, perfectly open. Fifteen Fellowships would be sufficient to supply Tutors and Officers.

This College is obliged to receive two Fellows from external bodies,—one from the Dean and Chapter of Exeter, another from the Dean and Jurats of Jersey and Guernsey alternately. We recommend that the election should in every case be placed in the hands of the Rector and Fellows.

THE COLLEGE OF ST. MARY, IN OXFORD, COMMONLY CALLED ORIEL COLLEGE.

ORIEL COLLEGE.

This College has not given us any information, and we have been unable to procure its present Code of Statutes.

FOUNDATION.

In 1324, Adam de Brom, almoner of King Edward II., procured from that Sovereign a Charter of Incorporation for a College, consisting of a Rector and Scholars in divers Sciences, under the name of St. Mary's House, in Oxford. The origin of its popular name of "Oriel College" is uncertain. In the course of the same year the King ratified the conveyance of a certain tenement in Oxford to the Rector and Scholars on Adam de Brom's surrender of the Society to the Crown as Founder.

Wood's Colleges and Halls, p. 122.

On the 21st of January, in 1325, it was erected into a College of Scholars of Divinity; and in addition to certain other tenements, Adam de Brom granted to it the advowson of St. Mary's Church in Oxford, on condition of keeping four Chaplains or Priests "to celebrate service in the said Church every day "for ever." The title of the Head was then changed from Rector to Provost.

TWO CODES OF STATUTES.

There appear to have been two Codes of Statutes granted to this College, apparently drawn up by Adam de Brom himself. The second followed the first within a few months, as it would seem, of the same year 1326. To this were added a few Ordinances issued in 1330. The second Code, which was confirmed by Burgash, Bishop of Lincoln, superseded the first Code, and governed the College till 1726, when a disputed election brought the question before the Courts of Law, and the original Statutes were restored, after having been in abeyance for exactly four centuries.

This first Code, by which the College has since that time been governed, has not come into our possession. But the second Code, of which copies are preserved in the Record Office and in the Lambeth Library, and which is printed in Hearne's Collection, resembles the earlier Statutes, we believe, so nearly, that the ancient constitution and condition of the College can be gathered from it with tolerable certainty. This Code we have caused to be printed.

There were to be ten Scholars, or Fellows, of good character, poor, and willing to study Theology; with a permission, however, for three to study Civil or Canon Law. A Superior, under the name of Provost, was to live in the house with them. They were to receive from the Provost twelvepence a week, so long as they were resident. In case of absence, except on College business, a rateable deduction was to be made. The number of Fellowships was to be increased with the increase of the revenues. The Provost and Fellows were to live at a common table in the Hall, and the Scriptures were to be read during meals. A senior Fellow was to be placed in the chambers of the junior Fellows to report their conduct to the Provost. They were to behave quietly in their chambers, and to talk nothing but Latin or French. The harmony of the College was not to be disturbed by the introduction of relatives or strangers. The Fellows were to study Logic and Philosophy before Theology. They were to lose their Fellowships in case they took monastic vows, entered into service, obtained a rich benefice, or deserted study. There were to be three Chapter-days in the year, on which masses were to be said in St. Mary's Church for the souls of King Edward II., King Edward III., Adam de Brom, and Bishop Burgash. The Statutes were then to be read, and inquiry was to be instituted into the state of study in the College. New Statutes might be made by the College, with consent of the Bishop of Lincoln. The Fellows were to swear obedience to these and all other Statutes of the Bishop of Lincoln, and fidelity to the College.

These regulations were in some points modified or extended by the Ordinances issued in 1330. Certain restrictions on the election of the Provost were removed. He was to have ten marks as an allowance, that he might keep a separate table. The Fellows were neither to commence nor leave their studies in the University without the consent of the College. Weekly disputations were established. Laundresses were forbidden to enter.

The chief points, it is believed, in which the Ordinances of these two Codes

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differ from those now in force, are that in the Statutes now in force Latin alone is to be spoken, without the alternative of French; and that the authority of the Crown is everywhere substituted for that of the Bishop of Lincoln.

FELLOWS.

The number of Fellows on the original Foundation has never, so far as we can ascertain, been increased with the increase of the revenues. But several Fellowships have been engrafted by later Benefactors. Four were founded for natives of the counties of Somerset, Dorset, Wilts, and Devon, by John Frank, Master of the Rolls in 1441, with a further annual charge upon the estate of twelve marks for a chantry in Somersetshire. One was added for natives of the diocese of Worcester, by Carpenter, Bishop of Worcester, about the year 1476; one for natives of the diocese of Lincoln, by Smith, Bishop of Lincoln, in 1507; two by Dudley, Chancellor of the diocese of Salisbury, in 1529.

There are therefore now eighteen Fellowships in the College, of which six are confined, and twelve are open.

The Fellows at present divide rather more than 200*l.* a year, in addition to allowances.

The income of the Provostship, to which is annexed the living of Purleigh in Essex, and a canonry in Rochester Cathedral, cannot be estimated at less than 2,000*l.* a year.

EXHIBITIONERS AND SCHOLARS.

Several Exhibitions and Scholarships have been founded in this College by different Benefactors, viz., three (for Bachelors of Arts) by Dr. Robinson, Bishop of London, 1718; six by Richard Dudley; four under the will of Henry Duke of Beaufort, 1744; two under that of Mrs. Ludwell, 1761; one (the Rutland Exhibition) by the Rev. Richard Twopeny, 1838; two under the will of Dr. Ireland, Dean of Westminster, 1842; and six were, with great liberality, established by the College at its own expense in 1838, 1839, and 1840, and thrown open to public competition.

BENEFICES.

There are thirteen benefices in the gift of the College.

NUMBERS.

The number of Undergraduates on the College books in 1851 was 87; the total number of members of the College was 387.

TUTORS.

There are three Tutors, one of whom is not at present on the Foundation.

This College was the first to throw open to general competition such of its Fellowships as were freed from local restrictions, and the consequence has been that for many years it numbered on its list of Fellows some of the most eminent names in Oxford.

In some instances, we believe, the limitations of the six close Fellowships have been evaded by electing into them persons from the open Fellowships, who happened to be natives of the favoured localities.

We are informed, however, that the College has imposed one restriction on the tenure of Fellowships which is not enjoined in the Statutes. A Bye-law has been passed, by which those Fellows, whom the Statutes enjoin to study Theology, are now compelled to take Holy Orders within a certain number of years. Many persons have in consequence of this requirement lost their Fellowships. The permission which the Statutes accord to three of the Fellows to study Civil or Canon Law is now interpreted of Common Law and Medicine.

MEASURES REQUIRED.

We recommend that the Oath to observe the Statutes should be prohibited; that the Provost and Fellows should be released from the obligation of performing any obsolete duties enjoined in them; and that the circuitous mode above described of evading the local restrictions attached to some of the Fellowships should be rendered unnecessary by a direct removal of those restrictions.

We are also of opinion that the College should be empowered to suppress a sufficient number of Fellowships to endow twelve Scholarships, of the value of 50*l.* a year, tenable, as in other Colleges, for five years. The College, from the want of such a Foundation, does not obtain such success in the Examination Schools as might be expected from the character of those from whom its Fellows are taken.

QUEEN'S COLLEGE.

From this College we have received no Evidence. We have, however, procured a copy of its Statutes* from the British Museum, from which our printed text is taken.

FOUNDATION.

In 1340 Robert de Egglesfield, Chaplain or Confessor to Queen Philippa, procured a license from King Edward III. to found "a Collegiate Hall," in Oxford, under the name of "the Hall of the Queen's Scholars."

His motives and feelings, which are given by himself with unusual minuteness, are worth preserving, as illustrations not only of his own Statutes, but also those of other Colleges, whose Founders have been less explicit.

PECULIARITIES OF THE COLLEGE.

The object of the Founder was, he tells us, to establish a Hall, where men might be trained up in the study of Theology, "to defend the Catholic Faith, "to adorn the Universal Church, and to tranquillise and instruct the minds of "Christian people."

Statutes—

It was to consist of a Provost and Fellows, who were ultimately to take Priest's Orders, and study, in every Term, the Sentences and the Scriptures for eighteen years; a certain proportion, however, were to study Civil and Canon Law for thirteen years. A dispensation was to be allowed from these duties, only in case the University should be removed from Oxford. Generally, failure in their exact discharge was to be visited with the irrevocable forfeiture of Fellowships. The Fellows were to be entirely relieved from the burden of teaching.

p. 9.
pp. 10, 11.
p. 13.

Theological study was the main purpose of the institution, but there were other objects combined with it. First, for the sake of saying masses for the souls of King Edward III., Queen Philippa, the Founder and his family, and all Benefactors, thirteen Chaplains to be chosen and supported by the Fellows, were to celebrate Mass in the chapel of All Saints within the precincts of the College, with solemn processions and anthems on great festivals. Secondly, a number of poor boys, bearing a certain proportion to the number of the Fellows, but so as not to exceed seventy-two, were to be maintained at the expense of the Provost and Fellows, and taught grammar, logic, and singing, by a grammarian and "Artist," chosen and paid for that purpose. These boys were to have their crowns neatly shaved, to be decently clothed, and to officiate as choristers in the chapel, and to receive their food bareheaded. They were to be removed from the College for neglect in study, but if they attained the Degree of M.A. they were to have a preference in elections to Fellowships. Thirdly, there was to be a daily supply of potage, made up of beans and pease, with an admixture of wheat, barley, or oats, doled out at the College gates to the poor, besides other alms to be mentioned hereafter.

p. 24.
pp. 27, 28.
p. 30.

The Founder professes himself unequal to carry out this great design; he has merely "thrown in his widow's mite to begin the foundation;" "his means, though not his will, are wanting." In this difficulty, "by a sort "of divine intimation and miraculous intuition," he bethought him of calling this Hall the "Queen's" Hall, so as to place it under the immediate patronage of his mistress, Queen Philippa, and all subsequent Queens Consort of England; and in pursuance of this design, the Provost was bound by oath "to watch, "labour, study, explore heartily and effectively" to procure augmentation of the revenues of the Hall from the Queen Consort for the time being.

p. 5.
p. 11.

The regulations by which the Hall was to be governed in part resemble those of Merton and Oriel. Residence was involved by the prescription of the thirteen or eighteen years' course of study. The Provost was never to be absent more than a month, except on College business. Poverty was secured by the injunctions that none but the poor were to be elected, and that the number of Fellows was to be increased with the increase of property, a contingency to which the Founder frequently alludes as in a high degree probable. The

p. 12.
p. 9.

* The Chapters not being marked in the copy of the Statutes which has come into our possession, we have been obliged to deviate from our usual mode of references.

QUEEN'S COLLEGE.

Statutes—

Fellows were to receive ten marks yearly. Of this eighteenpence a-week was paid weekly for commons, and the rest for clothes. If absent on any other than College business, or at any other time than in the long vacation, they were p. 13. to lose their commons, and a proportion of their allowances. A benefice or p. 12. property of the annual value of ten marks was to vacate a Fellowship. The Provost was to have five marks beyond the portion of a Fellow. His emoluments were to rise with the increased labour involved in the increase of the number of Fellows, and to reach 40*l.* a-year if that number should become forty or more. On no consideration were his emoluments to exceed this last p. 16. sum. He might hold a benefice if it did not require residence. The Fellows were never to sleep out of College, except for a grave cause, or with permission of the Provost. Two Fellows at least were to sleep in the same room. The p. 15. prohibition of archery within the walls, of chess, and dice, and of the keeping p. 30. of hawks and hounds, found in many Statutes, is here first mentioned. Dogs are forbidden on the express ground that it does not become those who live on alms to give to dogs the bread of man. Music is prohibited as disturbing p. 11. study. The injunction to have the Bible read in Hall, and to speak Latin, is common to all the Colleges, but here, as in Oriel, French is permitted as a substitute.

There are other regulations strongly tinged with the peculiarity of the Founder's mind. According to the imaginative fashion of the times, he wishes his foundation to resemble, as nearly as possible, in outward appearance, p. 33. the institution of the first preachers of Christianity. Hence the original number p. 3. of the Provost and Fellows was to be thirteen, in memory of Christ and the p. 27. Twelve Apostles; and the ultimate number of poor boys, seventy-two, in p. 11. memory of the Seventy Disciples. Hence the Doctors amongst the Fellows were to wear crimson robes, at dinner and supper, "for the sake of conformity p. 30. "to the Lord's Blood;" hence thirteen beggars, deaf, dumb, maimed, and blind, were to be introduced daily into the hall, and have, at the common expense, bread, beer, potage, and fish, in order to remind the Fellows of the passion, love, poverty, and humility of Christ. Hence on Maundy Thursday thirteen beggars were to eat in the presence of the Fellows, and were to receive from the Provost and Fellows vestments, and from the hands of the Fellows the grace cup, "in imitation of Him who on that day gave his blood in the cup to his p. 11. "disciples." Hence, probably, the injunction that the Provost and Fellows were to sit at table all on one side, as in pictures of the Last Supper, and (apparently from some similar mystical reason) they are to be convened to p. 11. dinner and supper by the sound of a trumpet.

Another peculiarity is found in the specific, and in part contradictory injunctions with regard to the election of Fellows. The Founder begins by declaring p. 9. that, "as the University of Oxford, according to the meaning of its name, "receives from every quarter those who flock to it for the sake of study, so also "the Hall is to close its bosom against no race or well-deserving nation (nulli "genti aut benemeritæ nationi), so that the election of Scholars to the Hall "should be as general as the collection of Scholars to the University is p. 4. "universal." This wide liberty is confirmed by his own nomination of the original Provost, and twelve Fellows from the several dioceses of Carlisle, York, Lincoln, Norwich, Worcester, Canterbury, Winchester, Salisbury, Here- p. 9. ford, and Exeter. He "charges the Fellows, without regard to hatred, "fear, favour, acceptation of persons, or country, to prefer whomsoever they "believe to be of good character, poor in estate, qualified to advance in "Theology, yet so, that if there are able men (habiles), then on account of the "devastation of his country, the indigence of persons in it, and the unusual "scarcity of education in it, they are to prefer those who have sprung from "the counties of Cumberland and Westmoreland, and especially those of his "blood, and then *cæteris paribus*, those coming from the places whence the "College derives revenues from benefices, manors, lands, or tenements." The wide latitude given by the general tenor of these passages resembles the provisions previously made by Devorguilla, Walter de Merton, and Adam de Brom, though the grounds of the latitude are here more emphatically and explicitly stated. The preference of natives of the northern counties introduced thus abruptly, and it must be added inconsistently, in the conclusion of the regulations, is sufficiently explained by the "devastation of his country" in the terrible border warfare, which, in the twenty years preceding the founda-

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tion of this College, had ravaged the neighbourhood of Carlisle. The poor boys were to be elected in the same manner as the Fellows, but with a preference to the parentage or kindred (parentela vel consanguinitate) of the Founder, and to the places where the College has benefices. The claims of Cumberland and Westmoreland are not specified. Statutes— p. 27.

The mode of election to Fellowships is remarkable, and in some points different from that of any other College. "It is," says the Founder, "to be "observed immutably for future times." The Fellows are to be convened by the Provost; the mass of the Holy Ghost is to be said; the Provost is to charge each Fellow on his oath to nominate Masters of Arts able and fit to advance in the Theological Faculty, whether members of the College or not. After the nomination, the Provost is to charge the Fellows to make secret and diligent inquiry into the character of those nominated; and after such inquiry the votes are to be taken at a subsequent meeting. p. 9.

A large body of officers and servants are to be maintained at the common expense; seven of these officers are to be taken from the thirteen Chaplains, namely, the Dean of the Chapel, the two Precentors, the Sacrist, the Reader, the Clerk of the Treasury. There were to be also two Clerks to teach the poor boys chanting. Three officers were to be from the Fellows generally, namely, the Treasurer, Chamberlain, and Seneschal of the Hall. Brewing and baking was to go on within the College, under the supervision of the Seneschal and Clerk of the Treasury. There was to be a mill belonging to the Fellows within the College or hard by. The servants were to have tenpence a-week each, namely, the gardener, the cook, the baker, the brewer, the laundress who is never to enter the rooms, and the porter, who was also to be the barber and wash the heads of the Fellows. p. 26. pp. 20, 21, 22. p. 8. p. 21. p. 29. pp. 28, 29.

These Statutes the Provost and Fellows were sworn to observe, but the form of oath is of a simpler kind than in most Colleges. The oath of the Provost was to administer his office "according to the requirements of the Statutes "and of justice." The Founder reserved to himself an unlimited power of alteration, but forbade that any one else should "place any interpretation "upon them except according to the grammatical sense and exposition, "without any gloss;" or "that, through any desuetude, custom, abuse, or any "occasion whatsoever, there should be any derogation from the words and "intention of his Statutes in anything." He granted, however, to the Provost and Fellows "free power" to "give dispensation in case of necessity or "advantage in small things, and in things which did not touch the subversion "or grievous loss of the College or injure its laws of respectability, and to "make new Statutes in no way derogatory or contrary to his own." p. 10. p 7. p. 33, 34.

Perhaps from this limited permission, possibly from the circumstance that he had already placed the College under the patronage of the Queen Consort, no Visitor was formally appointed in this College. The Archbishop of York, indeed, is commonly called so; but he has in the Statutes no such name assigned to him, nor the ordinary visitatorial powers. His only duties are to admit the Provost when elected, and to depose him in case of notorious crimes; to decide in quarrels between the Provost and the majority of the Fellows, and to enforce the increase of the number of Fellows. Aggrieved parties were sworn to take no legal remedies against the College. p. 7. p. 18.

PRESENT CONDITION OF THE COLLEGE.

Some few of the peculiar ordinances of the Founder are still observed. The Fellows are convened to dinner by the sound of a trumpet; they sit generally on one side of the table, with the Provost or Vice-Provost in the centre. On New Year's Day, on Ash Wednesday, and on Christmas Day, customs are also retained in this College which are to be found no where else, and which have evidently descended from remote antiquity.

THE PROVOST AND FELLOWS.

But in hardly any respect can Egglesfield's institution be recognised. The income of the Provost is supposed to be not less than 1000*l.* a-year. The Fellowships average somewhat below 300*l.* a-year. The number of Fellows was raised at a remote period from twelve to sixteen, but has not increased with the increase of the property. Three Fellowships are appropriated to the Provost. The expressed wish of the Founder that his College, like the University, should be open to all, has had no effect. The conditional preference to natives of the northern counties has been converted by long usage into an absolute exclusion of all others. On one occasion, in 1849, a proposal was made by some of the Fellows to elect a distinguished M.A., born in the county of Berks. This proposal was rejected by a majority, on the ground that he was not

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born in Cumberland or Westmoreland. During the last year the Statute which enjoins the election of Masters of Arts was abandoned; and a Bachelor of Arts, a native of one of the northern counties, who had obtained high honours, was elected. The preference to the kindred of the Founder is disregarded entirely, both in respect of the Fellows and the poor boys, as also the preference to places in which the College has property. The thirteen Chaplains have disappeared.

THE TABERDARS.

The Taberdars, or poor children, maintained on the Foundation, are now eight in number. They used to succeed to Fellowships as a matter of course; but this practice, which was found to be ruinous to them and to the College, is now discontinued. But they alone are considered eligible to Fellowships.

EXHIBITIONERS.

Twenty-one Exhibitions have been added since, of which eight are confined to schools in Yorkshire, Cumberland, or Westmoreland; and the others to natives of Lancashire, Cheshire, Wiltshire, Gloucestershire, and Middlesex.

THE MICHEL FELLOWS, SCHOLARS, AND EXHIBITIONERS.

By the side of the old Foundation, a separate Foundation was established in pursuance of the will of John Michel, Esq., who bequeathed lands in Kent and Berks for that purpose in 1736. This Bye-Foundation, which is the most extensive of the kind in Oxford, consists of eight open Fellowships of the value of about 110*l.* a-year, and four open Scholarships of the value of about 70*l.* a-year, and four Exhibitions of about 55*l.* a-year, confined to natives of the the province of Canterbury.

STATUTES OF THE MICHEL FOUNDATION.

The Statutes for the regulation of this Foundation were drawn up by Blackstone and others, Visitors of the Foundation.

These Statutes prescribe minutely the manner of election and the subjects of examination of the Candidates.

No member of Queen's College is eligible to the Exhibitions. The Exhibitioners are eligible to the Michel Scholarships, but have no preference. The Scholars are to rank with the Taberdars of the old Foundation, and some one of these is to succeed to a Michel Fellowship, if there be one of a certain standing. The Fellows on this Foundation are to have the same rank, and be on the same footing as the Fellows on the old Foundation in Chapel, Hall, and other public places in the College, and to take precedence according to their Degrees. They are generally to conform to and obey the Statutes of the old Foundation, but are excused from the necessity of entering into Holy Orders: they are to have special chambers assigned to them. The Fellows are to reside 120 days in each year, the Scholars 180 days, on pain of fine or removal. The Visitors of this Foundation were appointed by the will of the Founder: when a vacancy occurs, the two surviving Visitors appoint a successor. Any one is eligible to the office who is a Doctor of Divinity or Doctor of Civil Law, and Head or Fellow of some other College, and resident in the University. The Fellows and Scholars are to receive fixed payments, and any surplus is to be devoted to the purchase of advowsons. The Fellows are to be promoted to benefices according to seniority. Fellowships and Scholarships are to be forfeited generally on accession to an estate or preferment of the annual value of 100*l.*

The Visitors have power and authority once every year, or oftener, to visit the Foundation, and to examine into all controversies which may arise. They are to receive ten marks each for their trouble, and to be entertained at the expense of the Foundation.

The Statutes are to be immutable for ever.

In some respects the College may be said to have benefited greatly by the annexation to it of the Michel Foundation. Whilst the old Foundation of Robert de Egglesfield has been closed to all the world, except the two northern counties, the open Foundation of Mr. Michel has brought to the College several eminent names. And perhaps no better example can be found of the use and advantage of open election than this small body. But the disadvantage is most apparent of two Foundations with different interests and emoluments thus existing together. The whole management of the College rests with the older Foundation; the Tutors have always been appointed from it; jealousies must necessarily arise between the members of two such bodies so constituted. Instead of mutually aiding each other, such Foundations tend rather to impair each other's usefulness.

TUTORS.
NUMBERS.

There were in 1851 three Tutors and one Assistant Tutor. The number of Commoners in the College was fifty-one. The total number of names on the books was two hundred and eighty.

QUEEN'S COLLEGE.

ADVOWSONS.

There are twenty-four benefices in the gift of the College (all, except one, it may be observed, in the southern counties), and four in the gift of the Visitors of the Michel Foundation.

PATRONAGE OF THE PRINCIPALSHIP OF ST. EDMUND HALL.

Wood's Colleges and Halls, p. 662.

By a composition made between the College and the University in 1557, the election of the Principal of St. Edmund Hall is vested in the Provost and Fellows of Queen's; and this important office is always passed down for the choice of the Fellows, like a College living.

MEASURES REQUIRED.

We are of opinion that the oath of the Provost and that of the Fellows on both Foundations should be prohibited; and that the Provost and Fellows should be released from the necessity of taking Holy Orders, from the obligation of perpetual residence, of increasing the number of their Fellowships with the increase of the property, and from the observations of many other obsolete regulations.

We propose that all restrictions on the election to the Fellowships and Scholarships be removed; that the College should at length, according to the Founder's wish so long frustrated, to the detriment of learning, and the disadvantage of the two favoured counties, be as open to all as the University itself; that all Bachelors of Arts should be eligible to the Fellowships; and that the Scholarships should be open to all persons under the age of nineteen; and that all Scholarships and Exhibitions should be tenable for five years.

We also think it eminently desirable, for the reasons above stated, that the two Foundations in the College should be amalgamated, and the Fellows placed on an equal footing, and with equal emoluments.

Four Michel Fellows, and twelve on the old Foundation, would be sufficient, if open, to secure to the College a succession of able officers, and the funds of the Society would suffice to endow amply at least twenty Scholarships. The College, being able to accommodate at least a hundred Undergraduates, would, if thus reconstructed, become a noble place of education. The Exhibitions, in which this College is rich, would then, no doubt, be eagerly sought; and some of them being confined to natives of the northern counties would be useful in affording the means of a good education to deserving Students of the poorer classes in those localities.

Report, p. 181.

We have already recommended that the intention of the Visitors of King Henry VIII. to establish a Professorship in Queen's, should, if necessary, be realised, two Fellowships being suppressed for that purpose.

NEW COLLEGE.

THE COLLEGE OF ST. MARY OF WINCHESTER, IN OXFORD, COMMONLY CALLED NEW COLLEGE.

We have received no Evidence from this College; but we have procured a copy of its Statutes from the British Museum, which we have caused to be printed. From these Statutes we have been enabled to ascertain its constitution, as designed by the Founder, and thus been better prepared to inquire into the nature of a considerable number of the other Foundations of Oxford, of which, as well as of King's College at Cambridge, New College was the type. We have already pointed out generally the monastic and ecclesiastical character, as well as the magnificence of the institution of William of Wykeham; we have referred to its present condition, and shown how, in our opinion, it may be restored to something like the proud position which it once occupied in the University; but, in pursuance of the course which we have marked out for ourselves, it is necessary that we should now enter upon an account, somewhat more detailed, of this remarkable Foundation.

The Founder of New College was William of Wykeham, so called from the place of his birth. He was sometime Bishop of Winchester and Lord High Chancellor of England. It is stated by Wood, that he also bore the name of Perrott, which was that of his parents, and that he was also known by that of Long, because of his stature. He was apparently of humble origin.

We have intimated that he may, perhaps, have been led to found an institution, combining a literary with an ecclesiastical character, because of the abuses which had crept over monastic institutions in his time, and to which he refers in strong language in his Statutes; but it is certain that there was much in the state of the country at large, and of the University itself, to lead a great and benevolent man to interpose, independently of such a consideration, though it might affect the form in which his munificence was bestowed. He states in his charter, "that his chiefest reason was because of the scantity of scholars in "the nation, having been swept away by great pestilences and wars;" and the jury empanelled, to inquire whether the King would suffer any damage from the conveyance in mortmain of the site of the future College, delivered that "it was a common way or lane, and plots of ground which were not built on, "or included for a private use, but were full of dirt, filth, and stinking car- "cases; and also, there was a concourse of malefactors, murderers, and thieves, "and that scholars and others were there often wounded, killed, and lost; and "that the said plots of ground lay waste, and long time deserted from the "inhabiting of any person." That these sites had once been covered with buildings seems certain; indeed, it is asserted that the popular name, New College, given to the institution of William of Wykeham, is derived from St. Neot's Hall, which stood on part of the ground purchased by that great Founder.

Wood's Colleges, p. 180.

Ibid. p. 179.

BUILDINGS.

He obtained in the year 1379, a licence from King Richard II., to found a College "for seventy scholars studying in the Faculties;" and soon after commenced the erection of his buildings; but he did not put off the execution of his chief object till their completion, for he at once began to support fifty scholars in Hert Hall, and in other places in Oxford. The society took possession of the noble residence which his munificence provided, on the 14th of April, 1386. It has been supposed by Wood, that its peculiar character was given to the exterior of the fabric, in order to enable it to withstand a siege if need should arise; perhaps it is more probable that it was designed rather to secure the seclusion of a society which he wished to form on a conventual model.

STATUTES.

The Statutes now in force in the College are those given by William of Wykeham himself. He had reserved to himself full power of changing, augmenting, or abrogating them during his life. It appears that he was constantly engaged in revising them, and that it was not till the year 1400, that they were finally settled. He bound all the members on the Foundation by an oath to observe his statutes, "and all and singular the things therein contained "according to the plain, literal, and grammatical sense, and not to accept,

New Coll. Stat., c. 7.

" consent to, or admit, in any way, any Statutes, Ordinances, Interpretations, " Charges, Injunctions, Declarations, Expositions, or Glosses, repugnant to, or " derogatory in any way from, the sense or meaning of his statutes and ordi- " nances, except from himself;" and he laid all who should thus offend, under the "penalty of an anathema and the indignation of Almighty God." NEW COLLEGE. c. 68.

The College was to consist of a Warden, and seventy poor indigent scholars, clerks, studying the Holy page, Civil and Canon Law, and Philosophy. The College was to support, besides, ten Priests, three stipendiary clerks, and sixteen poor and indigent boys for the service of the chapel. CONSTITUTION OF THE COLLEGE. c. 1.

In the year 1851 the College consisted of a Warden and seventy Fellows or Scholars, of whom none were Graduates in Divinity, twelve were Graduates in Law, twenty-five were Graduates in Arts, and twenty-three were Undergraduates. There were ten Chaplains, three Clerks, and sixteen Choristers. The College has also been in the habit of educating a very limited number of Gentleman-Commoners. PRESENT CONSTITUTION OF THE COLLEGE.

The Warden is to be a perpetual officer, a man of good and honest conversation, of approved learning, manners, and qualities, discreet, provident, and circumspect in things spiritual and temporal, not less than thirty years of age, a Graduate in Arts or one of the superior Faculties, in Holy Orders, and one who was or had been a Fellow of the College. He is to be elected by the Fellows generally, within one month from the time of the vacancy, or, in case no election is made within that time, to be nominated by the Bishop of Winchester, whose choice is, however, limited to such persons as we have above described. He is to govern, correct, and punish, all persons in the College, according to the Statutes; to watch over the administration of all the property of the College, to cause its income to be distributed according to the Statutes, and the residue after such distribution to be faithfully kept for the benefit of the College. He is to defend and prosecute all pleas and causes, in his own name, though he must not embark in important suits, without the consent of the seniority. He must not be absent from the University for more than two months in each year, continuous or discontinuous, except on the business of the College, and he is to make such arrangements as to the times of his leaving the University on such business, as shall cause the least hurt and detriment to the College. THE WARDEN. New Coll. Stat., c. 9, 10. DUTIES OF THE WARDEN.

He is to keep his household in a separate lodging over the western gate of the College; and for the support of himself and his household, as well for their food, bedding, and clothing, as all other necessaries and charges, he is to receive forty pounds a-year, besides his livery of cloth. The vessels necessary for his hall, and the utensils for his kitchen are also to be supplied him by the College, so that they be decent and respectable, but not too costly; and that they be handed over to the College without diminution at his death or departure. He is to have a number of horses not exceeding six, for himself, his family, and the Fellows engaged in the business of the College. In early times, owing to the mode in which College estates were managed, it was necessary for the authorities to make frequent progresses, and to take account of their stock and produce. Hence, the provision respecting the keeping of horses in the Statutes of many of the Colleges. The Warden is to be enabled to receive strangers at the expense of the College, whenever this might be necessary or conducive to the honour and interest of the Society. His expenses are to be paid when he goes out of Oxford on the business of the Society. On certain great festivals he is to dine in the College Hall, and an allowance out of the goods of the College is to be made for the entertainment. The Warden is to be assisted in Oxford, and represented when at a distance, by a Sub-Warden, annually elected by a seniority of thirteen Fellows, and receiving a salary of fifty-three shillings and fourpence. EMOLUMENTS OF THE WARDEN. c. 11. c. 54. SUB-WARDEN. c. 13.

The Warden is supposed to have at present emoluments of the value of 1,400*l.* a-year. A sinecure rectory is attached to his office. PRESENT VALUE OF THE WARDENSHIP.

The Fellows are to be seventy in number. Ten of them must study Civil, and ten Canon Law, but these Jurists may, under some circumstances, exchange the one course of study for the other, and thus the proportion may for a time be changed. The remaining fifty are to study the Arts, that is to say Philosophy, and Theology. Two of these, however, may devote themselves to Astronomy. Mr. Hallam states, that this was regarded in the middle ages as a pursuit closely connected with Theology, on account of its utility in ascertain- THE SCHOLARS OR FELLOWS. c. 1.

NEW COLLEGE.

ing the time at which the moveable feasts were to be celebrated. Two also might, with the permission of the Warden and the Dean of Theology, apply themselves to Medicine, but if not Doctors actually Regent, must turn themselves to Theology, and make progress in that study.

QUALIFICATIONS OF FELLOWS. c. 2.

One of the most remarkable peculiarities of New College is its connexion with the other magnificent Foundation of Wykeham, the College of Winchester. He ordains that, after his kinsmen, the persons to be chosen as Fellows of New College, must be poor indigent clerk scholars, having the first clerical tonsure, of good morals and dispositions, sufficiently taught in grammar, qualified and disposed for study, Graduates in no Faculty, members of no College but Winchester College, "who and no others are to be admitted." His kinsmen at Winchester are to be preferred to all others; on the failure of kinsmen, then persons of the places where either of his Colleges has spiritual or temporal possessions; next, poor indigent clerk scholars of the Diocese of Winchester; then persons from the counties of Oxford, Berks, Wilts, Somerset, Bucks, Essex, Middlesex, Dorset, Kent, Sussex, and Cambridge; and finally, natives of any part of England, provided they have been instructed in Winchester College for one year.

A preference is thus assigned to those of the kindred of William of Wykeham, who are educated at Winchester; but his enactments in favour of his family appear to extend much further. He ordains that in future times, and in every election to be made into his College at Oxford, he or they who are or shall be of his blood or kindred, if there be any such, and if they be competently instructed in grammar, shall, wheresoever they may have been born or lived, chiefly and before all others, by way of special prerogative, be admitted at once, as true and perpetual Fellows, by virtue of the oath made by the Warden and Fellows at the time of their election, without any difficulty, or time of probation, provided they have not exceeded their thirtieth year. The other Fellows must not have exceeded twenty years of age at the time of their probation, and they must undergo a probation of two years. It appears that from the year 1467 to 1569, no Founder's kin were admitted into Winchester, and only three into New College, apparently "per viam specialis prærogativæ," without having passed through Winchester. Mr. Hare infers from this, that the endowments of New College, as William of Wykeham left them, were either not rich, or, in other respects not agreeable enough to be sought for by his near and undoubted kinsmen. After the claims of the Founder's kinsmen had thus lain dormant for one hundred and two years, the door was re-opened to them by the admission of Richard Feynes, as "Consanguineus "Fundatoris," in 1569. Mr. Hare ascribes the revival of this claim to "the "great augmentation in the revenues of the Society which Bishop Cooper "speaks of, and which gave the endowments of the two Colleges a new value "and attractiveness in the eyes of the Founder's kinsmen." In the next eight years, eight more persons of the Founder's kindred were admitted; after which the Colleges, finding the applicants on the plea of consanguinity increase beyond all former precedent, rejected a claimant. His father appealed to the Court of Chancery. The case was heard, and the question evaded. "It was "recommended by the Lord Keeper Bromley, and assented to on all sides, for "the difficulty of the judgment to be given, and it was so decreed; that the "plaintiff's issue should be admitted, as if they were the Founder's kinsmen, "and that he should renounce all further claim to the blood of the Founder." It would appear that two important points were then in dispute, namely, whether collateral consanguinity ever ceases; and at what degree it ceases, if at all. According to the Canonists, consanguinity ceases at the seventh degree; it is extended only to the tenth by the civilians, and it has been contended that an ecclesiastic of the fourteenth century, when speaking of consanguinity, must have used the term in the sense in which it is used in the one or the other law. But this was not determined. The College, having failed in putting an immediate stop to consanguinity altogether, endeavoured to limit the growing claim. With this view, apparently, it rejected two candidates in 1585 or 1586. The Lord Chancellor Hatton referred the fathers of the appellants to the Visitor, Bishop Cooper. The latter, says Blackstone, "substituted a limitation in point "of number, in lieu of what had been established by the Lord Keeper Bromley, "a limitation in point of degree." The Bishop's decree was, that not above eighteen reputed kinsmen were to be in the two Colleges at once. In the year

Hare's Appeal, p. 6.

OPPOSITION TO THE CLAIMS OF FOUNDER'S KIN.

Blackstone's Essay on Consanguinity, p. 76.

NEW COLLEGE.

1640, an appeal having been made to the House of Lords, the Wardens of the two Colleges "promised that the Founder's kindred should be admitted "without difficulty, according to the Statutes of both Colleges." The modern practice is in harmony neither with the decision of Bishop Cooper, nor that of the House of Lords. It is "that two 'Founders,' as they are called, "are put at the head of the roll for Winchester, and two others at the head of "the roll for New College, should two on examination be found fit for the "University." It does not appear that Mr. Hare's appeal was successful, and, under the peculiar circumstances of the College, there is, perhaps, little cause to regret his failure. If the nomination system is to prevail, a kinsman of the Founder may be as useful a Fellow as any other favoured person.

Hare's Appeal, p. 58.

PRESENT PRACTICE AS TO FOUNDER'S KIN.

STATUTABLE EMOLUMENTS OF THE FELLOWS.

The Bursars are to pay from twelve-pence to eighteen-pence a-week, according to the price of wheat, for the commons of each Fellow. If this allowance be more than sufficient, the surplus is to be applied to the common use of the College. In order to promote their union, and that they may "love the "College the better from knowing that they will receive greater benefits in their "indigence, and that they may not blush before the other scholars of the Uni-"versity for want of clothes, all the Fellows are to have every year at the cost "of the College," cloth for a uniform dress, and six shillings and eightpence for making and trimming. This dress they are not at liberty to pawn or sell for five years, but they may give a dress that is five years old, out of charity, to scholars in the first year of their admission. If too poor to pay their fees at Graduation, and without friends to help them, they are to be assisted on such occasions by the College; but they must give evidence on oath of their inability to bear this burden. Founder's kin Fellows who have not twenty pounds a-year, are to receive for beds, shoes, and other necessaries, twenty pounds a-year between them, when their number does not exceed seven. If there are more than seven, they are to have each four marks annually. The Priest-Fellows, if they minister assiduously in the chapel, are to divide between them forty marks, but so that none shall ever have more than forty shillings a-year. If the number of Priest-Fellows be not sufficient to exhaust the forty marks at this rate, the surplus is to return to the College. The commons of Fellows absent with permission, are to be applied to the common use of the College. The Fellows who are not of the kindred of the Founder are to lose their Fellowships on coming into a patrimony, secular fee, or pension exceeding one hundred shillings "communibus annis." Founder's kinsmen may hold such property with their Fellowships to the clear amount of 20*l.* a-year. A benefice worth 20*l.* also vacates the Fellowship of a kin Fellow, and a benefice of ten marks that of a non-kin Fellow.

c. 15.

c. 22.

c. 27.

c. 30.

c. 32.

c. 38.

ELECTIONS OF FELLOWS BY WHOM MADE.

c. 3.

The election and examination at Winchester of candidates for New College is to be carried on by the Warden of New College, and two of its Fellows chosen by a body formed of the officers of the College and five senior Fellows, together with the Warden, Vice-Warden, and Head Master of Winchester. At the admission of probationers to actual Fellowships all the Fellows of New College are to vote. They are solemnly charged to admit none but those whom, in their conscience, they think will most profit in the same College to the honour of God, and the advancement of scholastic study. Fellows then passed over are at once to be removed from the College. Not more than ten Fellows are ever to be absent at one time, lest Divine service in the chapel should be neglected; except in certain specified weeks, when twenty may be absent together. They must take Priest's Orders within a year from the Master's Degree, or, if Jurists, within three years from the Degree of Bachelor of Civil Law; if Canonists, within ten years of standing; if medical students, within three years after taking the first Degree in that Faculty. When ordained, they must immediately cause themselves to be taught to say mass, but they may not say it for reward elsewhere than in the College Chapel. On rising and at bed-time, the Fellows are to repeat an anthem, versicles, and certain prayers for Benefactors. They must hear one mass every day, in the course of which they are to repeat the Angelic Salutation fifty times, and the Lord's Prayer, after every ten recitations of the Salutation. Their consciences are solemnly bound before the Most High to discharge this duty, and, if they fail, they are to lose their dress for that year. All the Fellows must attend in surplices on Sundays, on solemn and feast days, and on all days in which Lectures are not read by the University Lecturers, at the first and second vespers, morning

RELIGIOUS DUTIES OF FELLOWS.

c. 41, 42, 43.

NEW COLLEGE.

masses, processions, and other canonical hours, and to join in reading and singing. Priest-Fellows are, besides the duties of the canonical hours, daily to repeat psalms and prayers for the dead. Seven masses are to be said in the chapel with prayers for the Founder and others; but these masses are to be said by the Fellows, only when the Chaplains are, for good reasons, hindered from discharging the duty. Exequies are to be performed for the Founder, his parents, and the benefactors of the College, four times a-year, and all the Fellows who join in them are to receive twelvepence.

STUDIES IN THE COLLEGE.

c. 28.
c. 31.
c. 28.

One hundred shillings a-year are to be paid to two or more Senior Fellows instructing the Juniors, as well those who are Jurists as those who are Artists. There are to be Disputations in the Hall or nave of the Chapel, in Arts, Law, and Theology, which the Fellows of the respective Faculties are to attend.

DEGREES.

The Fellows are to proceed to Degrees without any dispensations as regards time or form. They are, however, to be examined in the College before they can take Degrees. It has been supposed that it is owing to this provision that the Fellows of New College are permitted to graduate without undergoing the usual examination from University officers. A similar exemption enjoyed by King's College, Cambridge, has very recently, after a long struggle, been given up, in imitation of the laudable example of New College, which several years back waived this prejudicial privilege. The Fellows must become Masters or Doctors, according to the Faculty to which they belong.

PRESENT STATE OF THE FELLOWS.

The emoluments of the actual Fellows of New College are supposed not to exceed 150*l.* a-year; the probationers receive much less. It is said that the income of the College has suffered some diminution from a failure in one or more suits at law. A few only of the Graduate Fellows reside. Three are engaged as Tutors, and eight as Officers. The Medical Fellows are not obliged to take Orders.

CHAPLAINS.

c. 45.

The ten Chaplains are to have the same allowance for commons as the Fellows, but they are to receive only five yards of cloth annually for their livery. Their stipend is to be four marks a-year. Their duties in the chapel were almost incessant. We have no information as to the emoluments of the present Chaplains.

CLERKS.

c. 45.

The three Clerks are, besides their duties in the Chapel, to wait in the Hall every day at dinner. They are to eat with the servants, and to receive twenty shillings a-year of salary, and a livery of three yards and a-half of cloth. Of the duties and emoluments of the present Bible Clerks we know nothing.

BOYS.

c. 45.

Sixteen poor and indigent boys under twelve years of age are to be supported in the College. Their duties are to sing in the chapel, to minister to the officiating Priests there, to make the beds of the Fellows and Scholars, and to assist in waiting on them at meals. They are to live on the broken meat from the table of the Fellows, and if that be not sufficient, the deficiency must be made up at the charge of the College. The present choristers are taught music by the organist, and instructed by a master, at the cost of the College.

BENEFACTORS.

The College has received a considerable number of benefactions since its Foundation. Wood furnishes a list of them, but we have no information to give respecting them.

GENTLEMAN-COMMONERS.

William of Wykeham has said nothing respecting the admission of Boarders. It has been the practice of New College to receive a few noblemen or Gentleman-Commoners.

VISITOR.

c. 67.

The Bishop of Winchester is Visitor. We have not had access to the decrees of Visitors. The Visitor may visit when duly called upon, or without any requisition every two years, by himself or his Commissaries, and examine all the members of the College on oath as to their observance of every point contained in the Statutes; and proceed even to the removal of the Warden and Fellows, or any other. He is to receive ten marks when he visits in person. His Commissaries are to receive five. The Visitor is expressly forbidden, as well as the

c. 68.

Warden and Fellows, collegiately, or in common, or separately, to make any new Statutes, Rules, Interpretations, or Expositions, repugnant to, or derogatory from, the sense and plain meaning of those of Wykeham, or expunge any part of them on any pretence, or take away from, or change the substance or tenor of any Statute, or dispense with them in any way whatever.

That the Statutes of William of Wykeham are observed, or can be observed, no one will seriously contend; though the long and formidable oaths enjoined by the Founder are duly taken by every member of his Foundation. It is im-

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portant, therefore, that the College should be relieved at once from the necessity of imposing those oaths. But this would not suffice, for the impracticable Statutes would remain, and might be still regarded as binding. We are of opinion, then, that New College should be also relieved from the obligation of compelling a certain number of the Fellows to proceed in Civil Law, Medicine, Astronomy, or Theology; of applying to the common use of the College all its revenues beyond the Statutable stipends and emoluments of its members; of constant residence within College walls; of taking Holy Orders; of reading the Bible, and keeping silence in the Hall; of speaking Latin; of issuing a uniform livery to its Fellows; and from many other minute rules which are laid down in the Statutes.

MEANS OF INCREASING THE UTILITY OF NEW COLLEGE.

But this would do little for New College as a place of education. It is necessary that it should be relieved not only from injunctions which are not observed, but from several which are. We have seen that it is closely connected with Winchester College, and that the chance of obtaining young men of superior merit from so limited a Foundation as that of Winchester, is diminished by the manner in which that Foundation is filled up. At the election also to New College the "magis Idonei" ought to be placed "eo ordine quo magis Idonei;" a change, however, in the order in which the boys originally stood is, we are informed, very rare, though the Head Master for some time before the Examination does not alter that order. The course which would most effectually promote the honour of New College would be, doubtless, to throw open its Fellowships and Scholarships to general competition; but in deference to the general feeling against severing the connexion between these two noble Institutions, we abstain from recommending this course in regard to this College and that of Winchester, and, as a consequence, in regard to the other Colleges connected with schools, and those schools respectively. We think that New College may be greatly raised, however, if the Fellowships shall be divided into two classes, the former consisting of Graduates who shall be Fellows in the strict sense, and be elected out of all who have been educated in Winchester College; the latter of Undergraduate Fellows taking no part in the government of the College, and corresponding to the Scholars of other Colleges, to hold their Fellowships for five years only, and to be elected after competition out of the boys in Winchester College, whether on the Foundation or not. If there were forty Scholar-Fellows in New College, there would be, at least, eight vacancies every year. This would afford a strong stimulus to Winchester School. The Scholarships should not be worth less than 50*l.* a-year, besides rooms. Perhaps the worst of all restrictions is that of Founder's kin; but this is an evil only when the alternative is an open election; and, in the case of Foundations confined to schools, it may be regarded as a resource rather than as an impediment to allow any class of persons whatever, besides those educated at the school, to compete. Persons of the kindred of the Founder might therefore, be allowed to retain their rights so far as to offer themselves as candidates without having been at Winchester in competition with those who were permitted to stand because of their connexion with Winchester.

Compare Evidence of Mr. Neate, p. 243.

Thirty Fellowships would be more than sufficient to stimulate the Scholars of New College, and to provide that Society with Tutors and officers. If, therefore, it should be desirable to create a Professor-Fellowship, in addition to the fourteen of which we have recommended the creation, the precedent set by the Visitors of King Henry VIII. might be followed without inconvenience, and the Foundation of New College might be rendered useful to the whole University by the erection there of a Professorial Chair.

COMMONERS.

It is very desirable that New College should open its gates to as many Commoners as it can accommodate.

PREFERMENT.

This College presents to thirty-seven Benefices. It elects the Warden of Winchester College, the Fellows of which are chosen from those who are or have been Fellows of New College. It also presents to the Mastership of the well-endowed school of Bedford.

LINCOLN COLLEGE.

THE COLLEGE OF ST. MARY AND ALL SAINTS, LINCOLN, COMMONLY CALLED LINCOLN COLLEGE.

From this College we have received an account of its corporate Revenues, and were referred to a copy of its Statutes in the Bodleian Library, from which our printed text is taken.

FOUNDATION.

Wood's Colleges and Halls, pp. 235-237. Preface to Statutes of Lincoln College.

Lincoln College was founded, in 1427, by Richard Fleming, who, after having been a strong partisan of the doctrines of Wycliffe, became, after his elevation to the see of Lincoln, so strong an opponent of the same opinions as to determine to establish a College in Oxford for the sake of suppressing them. He procured a license from King Henry VI., which empowered him to "found "a College of a Warden or Rector and seven Scholars in the Church of All "Saints in Oxford;" and "to unite, annex, and incorporate the said Church of "All Saints, and the Churches of St. Mildred and St. Michael at the north gate," and "to name them the Church of All Saints; and the same Church to create "and change into a Collegiate Church or College." There were to be Chaplains to serve and have the cure of souls in the Church. Fleming, however, died without having drawn up a complete code of Statutes. His executors endowed a Rector, Scholars, and Chaplains, with the revenues left by him, and "not long after this several pious persons, looking on these orphans as objects "of charity, bestowed on them both money and lands." It was not till 1475 that Thomas Scot, commonly called Rotheram, from the place of his birth, who was then Bishop of Lincoln, and afterwards became Archbishop of York, finished the building of the College, augmented its foundation to the number of twelve Fellows, and imposed on the College the Statutes by which it has been governed ever since.

PECULIARITIES OF THE COLLEGE.

Statutes of Lincoln, Preface.

These Statutes announce that Rotheram's design was only to complete what Fleming had begun. To extirpate the Wycliffite heresy by training up Theologians for that purpose was still to be the chief object of the College. It was

c. 5.

specially provided that any Fellow tainted with these opinions was "to be cast "out like a diseased sheep from the fold of the College;" and the oath which each Fellow was to take at his admission was specially intended to secure the same purpose:—"I R. swear by the holy Gospels of God, in presence of the "figure of our Lord and Saviour, that, as far as I can, I will inviolably observe

c. 5.

"the Statutes of this College, so far as they concern me, so long as I am a Fellow "of the same; and especially that so long as I live I will never conditionally "or contumaciously favour, knowingly, heresies or errors; nor will I appear "secretly or openly to adhere to that pestiferous sect which, renewing ancient "heresies, attacks the sacraments, estates, and possessions of the Church, but "will, to the utmost of my strength, by every means in my power, denounce "them for ever: so help me God in the day of judgment."

c. 1.

There was another object which Rotheram announced in the Statutes, and which apparently was an innovation on the Founder's intention. He states, that "observing, not without astonishment of mind," that few if any natives of his own diocese of Lincoln, and almost all natives of the diocese of his birthplace, York, were excluded from all the Colleges in Oxford, he therefore, "not "blinded by an odious carnal affection, but wishing rather, without giving "offence to any, to obviate this blindness in others, and to provide a remedy for "it, according to his power." The Fellowships were accordingly restricted by him to the dioceses of Lincoln, York, and Wells: one to Wells (in remembrance of Forest, Dean of Wells, a previous benefactor); eight to Lincoln, of which four are to be from the county, with a preference to the Archdeaconry of Lincoln; four to York, of which two are to be from the county, with a preference to the Archdeaconry of York, and a further preference to the parish of Rotheram.

c. 4, 7.

The peculiar connexion of the College with the two parochial churches of All Saints and St. Michaels was still continued, by the appointment of a Fellow to preside over the choir in each church, and by sermons to be preached in those churches by the Rector and Fellows.

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THE RECTOR AND FELLOWS.

There was no special requirement of poverty in the Fellows. But their salary was fixed according to the usual rate. They were to have sixteen-pence, and on certain great festivals twenty-pence, a-week for their commons: nothing during their absence. Besides this allowance for commons, no Fellow was to have anything from the College property, except that the Sub-rector and Bursar were each to have 13*s.* 4*d.* in addition, and the Rector 40*s.*, with a respectable Clerk to attend upon him, and read the Bible to him at dinner. The Fellowships were to be vacated by misconduct, or by promotion to a Prebend or sinecure benefice above the value of 40*s.*, or by appointment to any benefice with cure of souls, or any charity outside the University. Within the University ecclesiastical preferments might be held if under ten marks, provided they involved no duties inconsistent with the Statutes. A Fellowship was to be vacated if a Fellow obtained a patrimony exceeding 4*l.* In case of the decrease of the revenues, the Fellowships were to be diminished to the number, successively, of seven, of five, of three; but the Founder, taking warning from the fact that in some Colleges, "the Fellows not having the fear of God "before their eyes, have, to the fraud of their Founder and their own great "peril, neglected to fill up the number of their Fellows that they may hence "live more sumptuously," under pain of anathema, enjoined his Fellows to raise the number again "as soon as the sun of prosperity shines upon them." A Bachelor was never to be elected if a fit Master could be found. All were to be in Priests' Orders within a year from their election, on pain of expulsion, unless some impediment occurred which was thought sufficient by the Rector and the majority of Fellows. All were to proceed, after the usual exercises in the Schools, to the higher Degrees in Theology, except one Fellow, who was permitted to study Canon Law, and thus to proceed to the Degree of Doctor in Laws. Disputations in Theology and Logic were to take place weekly, and they were to be followed by prayers for the dead. "With the unfailing ob-"servance of these disputations," says the Founder, "we charge our College "above all for ever." There were to be three officers, the Rector, Sub-rector, and Bursar; of whom the Sub-rector, under the name of Corrector, was armed with special powers for "correcting" the faults of the Fellows. These, with the usual limitations as to residence, and the mention of the business to be transacted in the two Chapter days, and regulations for the revenues and benefices in the gift of the College, and for the mode of election, constitute the rest of the Statutes, which are shorter than most of those at this period. The Bishops of Lincoln, as Visitors, may interpret in doubtful cases, but never alter the Statutes.

Statutes—
c. 5.
c. 5.
c. 1.
c. 6.
Statutes, Preface.
c. 3.
c. 2.
c. 4.
c. 4.
c. 7, 10.

SUBSEQUENT BENEFACTIONS.

Three new Fellowships were created by Archdeacon Darbie in 1511. They are confined to the archdeaconry of Stow, the county of Northampton, and the county of Oxford. The holders of these Fellowships enjoy the same privileges as the other Fellows. These Fellowships appear to have taken the place of three Fellowships on the old foundation, at what time is uncertain. There seems to have been a period in the sixteenth century when there were fifteen, or even more, Fellows. Nine Scholarships (of the value of 40*l.* to 50*l.*, for four years) have been added by later benefactors.

Wood's Colleges and Halls, p. 239.

Evidence, p. 325.

Lord Crewe left, by his will, 20*l.* per annum to the Rector, 10*l.* to each of the Fellows, and 20*l.* to twelve Exhibitioners, to be taken from the diocese of Durham, or the counties of Leicester, Northampton, or Oxford. These Exhibitions have been increased in value, by a subsequent benefactor, to 42*l.* per annum for eight years.

PRESENT CONDITION OF THE COLLEGE.

There are now twelve Fellows in Lincoln College. One of these (the Wells Fellow) is ineligible to the Rectorship.

There are nine Scholars and twelve Exhibitioners, and one Bible Clerk.

In 1851 the number of Commoners was forty; the total number of members of the College was two hundred and nineteen.

Ten benefices are in the gift of the College.

There are three Tutors, one of whom is Mathematical Lecturer. The average amount of battels is about 60*l.* a year.

STATEMENT OF THE REVENUES.

We subjoin the official statement of the amount and application of the College revenues.

"The total amount of the Corporate revenues of Lincoln College is "2,353*l.* 7*s.* 8½*d.*, which revenues are applied to the use of the Rector and "Fellows, and to the increase of the salary of the chaplains of St. Michael's and "All Saints, Oxford, and to various charitable purposes.

Evidence, p. 325.

LINCOLN COLLEGE.

" Revenues derived from—	£.	s.	d.
Real estates . . .	1,877	18	2½
Funded property . . .	37	19	6
Room-rents . . .	437	10	0
" Revenues derived from—			
Rack-rent estates . . .	1,545	10	8½
Leasehold estates . . .	332	7	6

" The property held on lives is very trifling. The fines are calculated, for land " on the 6 per cent. tables, and for houses on the 7 per cent. tables, and it has " been the custom of late years, on renewals, to increase the ground-rent, and " reduce the fine in proportion.

" The emoluments of the Headship are, a double Fellowship, and the " income of the impropriate Rectory of Twyford, Bucks, of which the rector " makes a yearly return to the Privy Council. For many years last past the " average income of the Fellows has not amounted to 200*l*

£.	s.	d.
1,877	18	2½
37	19	6
437	10	0
1,545	10	8½
332	7	6
Total . £2,353	7	8

	£.
12 Fellows (about £168) each .	2,016
1 Rector = 2 Fellows . . =	336
	£2,352 "

OBSERVANCE OF STATUTES.

The Statutes, though short, are not observed here more than in other Colleges. One Fellowship is held by a layman. At least five are held by persons habitually non-resident. The two Chaplains have disappeared altogether. The servant of the Rector is transformed into a Bible Clerk. No Fellow in 1851 had taken his Doctor's Degree; seven were Masters of Arts, and one was a B.C.L. No disputations take place in Hall.

The especial object of the Founder, that of suppressing the doctrines of Wycliffe, has, of course, been frustrated by the Reformation; and it is a curious fact that a College founded for the extirpation of Wycliffism should have numbered amongst its Fellows John Wesley.

REMEDIES.

We can have no hesitation in recommending the abolition of an oath, of which the greater part was rendered illegal at the Reformation; the release of the Fellows from the obligation of taking Orders, an obligation which in one instance has been already superseded, and from that of proceeding to the higher Degrees, which has in no case been fully complied with; and the removal of local restrictions, which the framer of the Statutes himself declared to have been imposed not from " any carnal and blind affection " to the natives of the favoured localities, but to remedy the evil of their exclusion elsewhere by that " carnal blindness" in others; an evil which, according to the recommendations we propose, would henceforth cease to exist.

We are further of opinion that the College would be greatly benefited by the removal of local restrictions from Lord Crewe's Exhibitions, which would thus become open Scholarships. The Scholarships and Exhibitions should alike be made tenable for five years.

We are also of opinion that the disparity of privileges which exists between the Wells Fellow and the others should be removed.

ALL SOULS COLLEGE.

From this College we have received full Evidence, communicated through the Warden. The College has given us access to its Statutes, of which a correct copy exists also in the Bodleian Library. From this copy our printed text is taken; and from this a translation was made by Mr. Ward in 1841, to which for the most part our references are made.

FOUNDATION OF ALL SOULS.

All Souls College was founded by a Charter of Incorporation, granted in 1438 by the nominal Founder, King Henry VI., at the request of the actual Founder, Henry Chichele, Archbishop of Canterbury, who a few days before his death, in 1443, set his seal to the body of Statutes, by which the College is still governed, and which are supposed to have been drawn up by the celebrated civilian Lyndewood. Its original estates were partly those bequeathed by Chichele, partly alien priories bestowed by King Henry VI.

Spenser's Life of Chichele, p. 197.

Ibid, p. 163.

ITS TWO FOUNDERS.

The College thus had two Founders: the Crown and the Archbishop of Canterbury for the time being. The former was in the Letters Patent of Foundation and in the Statutes, entitled Founder, the latter, Co-Founder, of the College.

MOTIVES OF CHICHELE.

It is well known that the long and bloody wars of King Henry V. against the French nation were commenced, if not at the instigation, at least under the express sanction and advice of Chichele, with a view of diverting the King and Parliament from the projects of attack on the property of the Church, to which the growth of Wycliffe's opinions at that time gave rise.

Ibid, pp. 35, 39.

Compare Wood's Colleges and Halls, p. 254.

The recollection, in later years, of the share which he had had in this protracted warfare, seems to have been the determining cause of the peculiarity which distinguishes the foundation of All Souls from that of the other Colleges of Oxford. It was not merely founded in general terms for purposes of study and for offering up prayers for the dead, but the latter object is brought forward with unusual distinctness and prominence. In the Charter of Incorporation, besides the usual prayers for the King and Founder, prayers are also enjoined "for the souls of King Henry V., the Duke of Clarence, and all English nobility "and subjects who had perished in the French wars." In the opening of the Statutes, Chichele states that he is moved not only by compassion for "the state "of the unarmed soldiery of the Church," but "with no less pity" for "the "general ailment of the armed militia of the world, which hath been of late "very much reduced by the wars between the rulers of England and France;" and accordingly the Fellows are "bounden not so much to ply therein the "various sciences and faculties, as with all devotion to pray for the souls of "glorious memory of Henry the Fifth, lately King of England and France, his "own illustrious progenitor, and the Lord Thomas Duke of Clarence, and the "other Lords and lieges of his realm of England, whom in his own and in his "said father's times the havoc of that warfare so long prevailing between the "said two realms hath drenched with the bowl of bitter death, and also for the "souls of all the faithful departed." It was with this view also that the name of "All Souls" was given to the College; that prayers for "all the souls "of the faithful" were specially enjoined in the private and public devotions of the Fellows; that the Feast of All Souls, the festival of the solemn commemoration of departed spirits, was set forth as the great day of the whole society; and that a solemn requiem for the dead was to take place in the College Chapel every Friday throughout the year.

THE CHANTRY.

Charter of Incorporation, in Spenser's Life of Chichele, p. 198.

Preface to the Statutes.

Statutes, c. 23.

But the Chantry, which was thus with peculiar magnificence annexed to the College, was not intended to impair its collegiate character. The provisions of the Statutes in many respects resemble those of the other Colleges of this period, especially those of New College, where Chichele himself was educated; and his zeal for the interests of the Church and the University of Oxford, makes it probable that the desire of founding an institution for study would occupy a prominent place in his mind.

Spenser's Life of Chichele, p. 5.

THE COLLEGE.

There were to be forty Scholars or Fellows, being Clerks, who were to study without intermission: of these, twenty-four were to study the Arts, and Phi-

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losophy or Theology; sixteen the Canon and Civil Law. There was also to be a suitable establishment of Priests and Ministers of the College Chapel. All were to take Priests' Orders within five years from becoming Masters of Arts, except the Jurist Students, who were exempted, if they should "apply themselves in good earnest to the reading of the Book of the Institutions," and to the other exercises required by the University as necessary to the degree of Doctor of Laws. Those who took orders were expressly forbidden to celebrate service elsewhere than in the College. The Fellows are to be "poor and indigent," and none are to be chosen except those "who previously have received sufficient instruction in the rudiments of grammar, and competent instruction in plain song, and who, having the first clerical tonsure, are qualified and disposed for the priesthood, are of free condition and born in lawful wedlock, and well adorned with good qualities and character, and are anxious to make progress in study, and are really making such progress."* This provision is precisely the same as that found in the Statutes of New College, except that it excludes serfs and illegitimate children, and requires a knowledge of music. Legitimate birth is equally required in the Statutes of Balliol, Corpus, and St. John's. The Fellows of All Souls were at the time of their election to be between seventeen and twenty-six years of age, and to have devoted three years to study in the Faculty to which they are to belong when admitted on the Foundation. The Founder's family were to be preferred before all others; then those born in places where the College had property. "But if such persons cannot be found in the said University at the time when such election is celebrated at Oxford, then the poorer and more indigent Scholars, being Clerks and studying in the said University, are to be preferred in the following order: to wit, before all others, such as are born in the diocese of Canterbury; and next, and in order, persons born in the counties of Oxford, Sussex, Northampton, Buckingham, Bedford, Middlesex, Surrey, Berks, Wilts, Dorset, Somerset, and so of the other counties within our province of Canterbury; so, however, that they be sufficiently instructed in grammar, and competently in singing, as aforesaid, and be found and proved fit and qualified according to the terms and conditions above and below rehearsed." After a year's probation they were to be elected "Fellows," having been previously "Scholars."

Statutes, c. 1. c. 16.

Statutes, Preface. c. 2.

c. 2.

c. 2.

c. 4. c. 10.

c. 16. c. 34.

c. 12.

c. 14.

c. 30.

c. 19.

c. 34.

c. 22. c. 23.

The Warden was to receive ten marks yearly, to have one servant paid for by the College, and to receive a double allowance for commons. The Fellows, Scholars, and Chaplains were to have commons, varying from twelve to sixteen pence, according to the price of wheat. Any surplus was to be reserved "for the common advantage of the College." Cloth was to be doled out to each before Christmas day. Fellowships were vacated by the possession of one hundred shillings a-year, a benefice of ten marks a-year, marriage, entrance into a monastic order, or engagement in service, whereby they might be detained from study. The general rule of life, as to silence in Hall, speaking Latin, not lingering in Hall, and many other minute particulars, is taken from the Statutes of New College. The Fellows were to perform weekly disputations, and they were required, without dispensation, to attend the University exercises requisite for their several degrees. Thrice a year an examination into the proficiency made by the Fellows in their studies was to be held by the Warden or Vice-Warden. They were never to leave Oxford without obtaining the Warden's permission, which was to be granted freely during the long vacations, on condition of their good behaviour. But no Fellow was to be absent for more than sixty days in the year on pain of losing his Fellowship, unless for some reasonable cause, approved by the Warden, Dean, and Bursars, within thirty days immediately following. There were never to be more than twenty Fellows absent at a time, except for certain special grave causes, to be stated on oath in presence of the Warden, Dean, and Bursars of the College. They were to be present in the Chapel five times a-day on Sundays and Festivals, at the regular services of the Roman Catholic Church, and every Friday and Saturday throughout the year to chant the burial service and the requiem for the dead. The Fellows in their private prayers, morning and evening, were

* Nisi qui rudimentis grammaticæ sufficienter et in plano cantu competenter prius fuerint eruditi, et qui primam tonsuram clericalem habentes ad sacerdotium sint habiles et dispositi, liberæ conditionis et de legitimo matrimonio nati, bonis conditionibus et moribus perornati, ac in studio proficere cupientes et in re ipsa proficientes.

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to use certain ejaculations prescribed in the Statutes. The officers of the College were to be a Vice-Warden, two Bursars, the Seneschal, and two Deans, who were to superintend the exercises of the Fellows. Statutes, c. 5, 8, 11.

The servants of the College were to be a steward, an understeward, a cook, and a porter, who was also to "shave the Warden and Fellows duly and "diligently," and a laundress or laundryman. c. 29.

Every year the Warden and another Fellow were to make a progress through the estates, to inspect the live and dead stock. For this purpose the College was to support a groom, and a sufficient number of horses. c. 31.

Thrice a year the Statutes were to be read before the whole College, and their observance inquired into and enforced by penalties. The Warden and Fellows on their admission were sworn to observe the Statutes in a long oath. c. 30. c. 7, 8.

STATUTES.

The Statutes were, as we have said, imposed by Archbishop Chichele, Co-Founder of the College with King Henry VI., in virtue of the power which the King vested in him and his successors for ever of making "Ordinances and Statutes, "whereby the Warden, Fellows, and Scholars should live, as in the "Royal Charter is more fully contained." This power is limited as regards the successors of Chichele, by the provision that their Ordinances are to be in "no wise at variance with, nor in any manner repugnant to," the original Statutes. They are to inquire into and enforce the observance of the Statutes, and to issue new Ordinances. No power of interpretation is mentioned. Statutes, Preface. Statutes, c. 1.

PRESENT CONDITION OF THE COLLEGE.

This College has, in some respects, more nearly retained its original constitution than any other in Oxford. There are still forty members on the foundation, with the Warden, and none besides, except the Chaplains and four Bible Clerks, who in some slight degree correspond to the ancient Priests and ministers of the Chapel. There is also one point in which this College probably stands alone in its strict observance of its Statutes. "The Fellows "of All Souls," says the Warden, "are obliged to proceed to degrees according "to the Statute 'de tempore assumendi gradus.' A Bachelor of Arts, after "having kept all the Terms required by the University Statutes without dis-"pensation and being of eight years' standing, must proceed to the degree of "M.A. A Jurist must be of seven years' standing, and have kept by residence, "without dispensation, all the Terms required in order to proceed to the degree "of B.C.L., which must be taken within the time prescribed." Evidence, p. 329.

CESSATION OF THE CHANTRY.

In almost every other respect the change has been complete. The alteration effected by the Reformation has been more remarkable here than elsewhere, in proportion to the greater stress laid by the Founder on the observances of the ancient religion. Of the two objects contemplated by King Henry VI. and Chichele, that which gave to the College its peculiarly funereal name and character was rendered void by the Act for the suppression of Chantries. From the effect of this Act this great institution was doubtless saved by the Collegiate element, to which happily a prominent place had been given by the original Foundation. Whatever, therefore, in the Statutes relates to the souls of the departed, is now fulfilled only by the thanksgivings for the Founder, and by the care with which his tomb in Canterbury Cathedral has been (after an interval of neglect in the last century) restored at the expense of the College. Hasted's History of Kent, vol. iv. p. 539. Willis's History of Canterbury Cathedral, p. 129.

CESSATION OF THE MONASTIC CHARACTER.

In other respects the institution has undergone changes hardly less great.

The rule of life and the rule of study here, as in the other Colleges, has disappeared, and the observances dependant on those rules have become obsolete. The Fellows, instead of being constantly resident, as the Statutes contemplate, are frequently absent for long periods of the year, with the exception above mentioned of those who have not yet taken their degrees in Arts or Civil Law, and who keep by residence all the Terms required by the University Statutes. The Evidence before us informs us that "the number "of constantly resident Fellows" is "not great;" indeed that "the College "buildings are not sufficiently capacious to hold them all at the same time." Appearance for a few days four times a year seems to be the average residence of those who have taken their degrees of M.A. and D.C.L. Several of the disqualifications from property have been virtually removed. Real and not personal property is alone considered, and the value of the disqualifying estate has been by successive Visitors raised from 5*l.* to 100*l.* By an injunction of Archbishop Whitgift, given in 1586, the B.C.L. Fellows are discharged from the statutable obligation to take orders, provided they proceed to the degree Evidence, pp. 328, 333. Evidence, p. 329.

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of D.C.L. The M.A. Fellows who do not take orders within the time prescribed by the Statutes, state the grounds on which they claim exemption for the consideration of the Warden and officers. The statutable qualifications of poverty and indigence,—of acquaintance with music,—and of course that of the first clerical tonsure,—are not now regarded. The absolute preference to Founder's kinsmen is set aside, under the sanction of a Visitor's injunction, if there are already in the College ten who have been admitted as such.

Evidence, p. 329.

CAUSES OF THESE ALTERATIONS.

INJUNCTIONS OF VISITORS.

The departures from the Founder's intention in this College may perhaps, in part, be attributed to the power which the Archbishops of Canterbury have assumed to be delegated to them by the Founder. The power of interpretation, though nowhere mentioned in the Statutes, was claimed by Archbishop Stafford in 1445, three years after Chichele's death, as "notoriously belonging to "the Archbishops of Canterbury." The power of alteration, which is expressly forbidden by the Statutes, seems to have been first claimed and acted upon after the Reformation. Archbishop Cranmer, in 1541, issued an injunction which allowed the Warden two months' absence longer than the statutable time, thus changing the 3rd Chapter of the Statutes. Archbishop Whitgift, in 1586, released the Jurist Fellows from the necessity of taking Holy Orders, and in 1602 remodelled the chapel services, thus changing the 16th and 22nd Chapters. Archbishops Grindal, Wake, and Manners Sutton, by raising the salaries of the Fellows, and the amount of disqualifying estates, changed the 10th and 34th Chapters. Archbishop Sancroft, in 1681, by permitting Doctors to be appointed Bursars, changed the 7th Chapter. Archbishop Tenison, in 1710 (by a very liberal interpretation, rather than by a new Statute), released four Students of Medicine from the obligation of taking Orders, and thus changed the 16th Chapter. Archbishop Tillotson, in 1694, gave it as his opinion that all the clauses on residence must be "restrained, with a tacit "exception of those who are on His Majesty's immediate service," and so relaxed the 19th Chapter. Archbishop Cornwallis, in 1777, released the College from the absolute preference to Founder's kinsmen, and thus virtually abrogated all the passages in the Statutes which relate to that subject. Archbishop Howley, in 1830, permitted the Warden to devote a portion of his time to the actual performance of parochial duty in the parish of Lockinge, annexed by Act of Parliament to the Wardenship, without its being accounted any infringement of the Statute of residence.

Ward's Translation of Statutes, p. 111.

Statutes, c. 1.

Evidence, p. 328.

Ibid. p. 329.

Ibid. p. 330.

Ward's Translation of Statutes, p. 175.

Ibid. p. 176.

Ibid. p. 181.

Evidence, p. 329.

Ibid. p. 328.

Ibid. p. 332.

These injunctions are all regarded as valid by the College.

GENERAL CAUSES OF CHANGE.

But these are for the most part isolated points. The change of the whole condition of the society is to be ascribed to the alteration of religion at the time of the Reformation, and to the no less extensive alteration of manners and customs since the Reformation, which have affected All Souls in common with the rest of Oxford. In one respect, however, All Souls stands alone. It is the only College which receives no Undergraduate members except the four Bible Clerks. It must also be stated that there is a general impression in the University that proficiency in study, which in Colleges of high character is the chief requisite for election to Fellowships, has comparatively little weight in the election to Fellowships at All Souls. The late Dr. Ingram, in his Memorials of Oxford, has remarked, that "from the peculiar constitution of the College, "and the nature of elections to Fellowships, it is not so much a place of ele- "mentary education as of cultivated society." The lists of the Fellows of All Souls, at least as far back as the commencement of the present century, and of the Wardens as far back as 1686, confirm the belief that birth and general social qualifications have had considerable influence in determining these elections. When a candidate has obtained the highest academical distinction, he is, we believe, always preferred; and there have been indications of late that literary qualifications are likely to become more important.

Memorials of Oxford, All Souls, p. 15.

In what causes this peculiar character of the College originated it is difficult to determine.

Change of manners has rendered the College accommodation insufficient for the Fellows; much more for the reception of any large number of Commoners. This state of things is, indeed, of comparatively recent date. In 1616, All Souls contained thirty-one poor Students, and Archbishop Whitgift's injunctions, a few years before, show that the Fellows had not yet arrived at the privilege of single sitting-rooms, though each was permitted to have a single bed. Undergraduates, however, whether from want of room or any other circum-

Report, p. 143.
Ward's Translation of Statutes, p. 180.

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stance, having been once excluded, and Graduates no longer attending the University Professors, All Souls ceased to be a place of education, and literary qualifications in its Fellows became less necessary than in the Fellows of other societies. There is, as we have seen, no ground in the Statutes for preferring persons of high connexion to Fellowships. It is, indeed, alleged by Fuller, and has been since often repeated, that "the Fellows of this College are bound by "their Statutes to be *bene nati, splendidè vestiti, et mediocriter docti in plano* "*cantu.*" But the last of these three clauses is the only one of which there is any trace in the Statutes. "A competent knowledge" (competenter eruditi) of chanting is insisted upon as a primary condition. But of birth nothing is said, except that the Fellows are to have been born in lawful wedlock and not to be serfs; of dress nothing, except that it is to be "decent, as befits clerical respectability." It is possible that, although Chichele himself was of humble origin,—being, according to tradition, the son of a tailor,—the connexion of the College with noble blood may yet have been incidentally encouraged by the strong preference which he awarded to his own family. "The claim of con- "sanguinity to the Founder (to use the words of the Warden) is now so widely "extended, that there is hardly a family of any antiquity which it does not "include." This claim, before it was set aside by Archbishop Cornwallis, must have introduced into the College many members of ancient families, who might naturally wish to perpetuate in the College persons of their own condition of life. From this or some similar accident the present state of All Souls has probably sprung; while the comparative poverty of the Fellowships, and the absence of Tutorial offices in the College may have combined to deter persons from presenting themselves as Candidates who, having their way to make in the world, were conscious of abilities which would open better prospects elsewhere.

Fuller's Church History, book iv., § 10.

Statutes, c. 2,

Ibid, c. 17.

Fuller's Church History, book iv., § 11.

Evidence, p. 329.

NUMBERS.

The total number of names on the College books in 1851 was one hundred and nineteen. The number of Bible Clerks was three. The number of Chaplains was two, of whom one acts as Tutor to the Bible Clerks.

ADVOWSONS.

There are seventeen benefices in the gift of the College.

REVENUES.

We subjoin the statement furnished by the College of the amount and application of its Corporate Revenues:—

Evidence, pp. 333, 334.

"*Amount of Corporate Revenues of All Souls College for the year* 1850.

"Rent of land	£. 5,629
"Tithes	1,420
"Fines upon renewals	1,989
"Copyhold fines	269
"Interest from Government Funds	315
	£9,622

"The revenue of 1850 has been selected as preferable to an average of "seven years, on account of two material changes which have lately taken "place—the fall in corn-rents since the repeal of the Corn Laws; and on the "other hand an increase of revenue by the expiration of a lease in 1849.

"The money in the funds is only applicable to particular purposes.

"*Specific application of Revenues,* 1850—*Annual Payments.*

	£.
"Rates, Taxes, Insurance, Agents, Collectors, Lease- "hold and ancient rents	520
"Repair of College, Farm-buildings, draining, &c.	921
"Expense of Establishment, Commons of Warden "and Fellows, maintenance of Bible Clerks	480
"Library—purchase and binding of books	590
"Allowances to Warden and College Officers, "Chaplains, Tutor to Bible Clerks	553
"College Servants	710
"Fuel and Lighting	243
"Various expenses, Law charges, &c.	157
"Advowson Fund. [The payment to the Advow- "son Fund is not always the same: in the year "1850 it greatly exceeded the usual average]	650

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	£.
" Fund for building and repairing Parsonage-houses in the patronage of the College . .	115
" Subscriptions to Schools, Churches, and Charities	390
	5,329
" Divided between Warden and Fellows . .	4,293
	£ 9,622

" Rather more than one-fourth of the corporate property is let at rack-rent; " the remainder is let upon leases for twenty years, renewable every seven, " upon payment of a fine.

" The fine is one year and a half net value of the farm: that is, the value " after deducting the reserved rent.

" Emolument of Wardenship for the year 1850 .	£ 633
" Rectory of Lockinge, annexed by Act of Parliament, net value (this does not pass through the Bursar's hands)	300
	£933

	£.	s.
" Doctors' Fellowships and College Officers—each	130	0
" Masters of Arts and B.C.L.	92	0
" B.A. and S.C.L. Fellows	75	10 "

It is obvious that the value of the Fellowships in the College bears but a small proportion to its gross income, and it would seem that there is nothing to prevent the Fellows from receiving a much larger dividend by a more careful attention to the general expenditure of the Society.

RECOMMENDATIONS.

We have the same general recommendations to make with regard to the Statutes of this College, as we have already made with regard to other societies.

Evidence, p. 328.

We concur in the Warden's opinion, that " neither the University nor the " Colleges would be benefited by the general enforcement of habitual residence " of the Fellows, such as the Statutes seem in the first instance to require." The Warden and Fellows should be released from this obligation, as well as from that of studying Civil and Canon Law, of proceeding to the higher Degrees, of preferring the Founder's kinsmen to all others in elections to Fellowships, of reserving the surplus for the common purposes of the College, of speaking Latin and hearing the Bible read in Hall, and many other enactments which they are now sworn to observe, but which have long fallen into disuse. We are of opinion that the oath to observe these Statutes, and to accept no Statutes, injunctions, or expositions, repugnant to, derogatory from, or contrary to these Statutes, should cease to be exacted.

Report, p. 180.

We have already suggested in our Report on the general State of the Colleges such a change as would best serve to restore so noble an institution to the cause of learning and education, without altogether sacrificing that peculiar character which now belongs to All Souls.

Ward's Translation of Statutes, p. 199.

A precedent is not wanting for such an application of a part of the funds of this College as that which we have proposed. King Edward VI. issued through his Commissioners, in the year 1549, Injunctions for the government of the College, which in part carried out those issued in 1535 by King Henry VIII. These Injunctions, after stating the general ends of " good " learning," " virtue," and " religion," to which the Founder " destined the " revenues of the College and all his Statutes," contain provisions for the establishment of Professors of Divinity in the College, and order " that no " person be allowed to be Fellow in the College for more than twenty years, " unless for his merit he hath been invited to the public function of Professor." To follow this Injunction would now be needless, as a sufficient number of Professors of Divinity have been endowed elsewhere. The main objects of Chichele's foundation could be as well fulfilled by appropriating a portion of the Fellowships to other Chairs. We propose that there should be in All Souls at least four Professor-Fellows, each endowed with 800*l.* a-year from the appropriated Fellowships.

Sixteen Junior Fellowships would still be left at the disposal of the College, —the Professor-Fellows having, of course, votes with the rest.

COLLEGE OF ST. MARY MAGDALENE, COMMONLY CALLED MAGDALEN COLLEGE.

MAGDALEN COLLEGE.

From this College we have received hardly any Evidence. We have, however, procured a copy of its Statutes from a MS. in the Bodleian Library, from which Mr. Ward published a translation of the Statutes in 1840. We have caused the Latin text to be printed, but our references are usually made to the translation.

FOUNDATION.

William Patten, commonly called Waynflete, from the place of his birth, founded the Hall of St. Mary Magdalene in 1448. This was the first beginning both of Magdalen College and Magdalen Hall. In 1456 Waynflete took the further step which transformed this Hall into a College, by procuring from the King a licence to enable the Hospitallers of the Hospital of St. John Baptist, to surrender their estates into the hands of the President and Scholars of Magdalen Hall. In 1457, he obtained a licence from the King to found a College, into which he transferred the President and Scholars of the Hall, and the new foundation also bore the name of St. Mary Magdalene. In 1479, he gave to the Society the Statutes by which it has been governed ever since.

Wood's Colleges and Halls, p. 307.

p. 309.

p. 309.

p. 310.

In framing a constitution for his College, Waynflete was greatly influenced by the circumstances of his antecedent career. He had been educated at Winchester School, and, though not on the Foundation, appears to have been elected a Fellow of New College; but the testimony on this point is conflicting. He was appointed successively Master of Winchester School, Master of the Leper House of St. Mary Magdalene near Winchester, and Bishop of Winchester. It was from these associations connected with the city and institutions of Wykeham that the idea, and even the name of Waynflete's College, was derived.

Chandler's Waynflete, p. 18.

The two institutions of New College and Magdalen College are accordingly very similar. It will not be necessary for us to do more than notice their most striking points of resemblance or of discrepancy.

CONSTITUTION OF THE COLLEGE.

There were to be as at New College, a Head, (here known by the name of President), seventy "poor and indigent Scholars," twelve Chaplains, and sixteen Choristers. But, there being in connexion with this College, no institution analogous to Winchester College, Waynflete was obliged in some respects to deviate from the scheme of William of Wykeham. Of his seventy Scholars, thirty were to be called "Demyes," and were to be elected by the President, Vice-President, and three Deans. They were to be twelve years of age at the time of their election, and they might remain till their twenty-fifth year. These "Demyes," were to be like those members of Foundations, who in after times were called "Scholars." Their duty was to study Logic and Grammar. The other forty, called "Fellows," were to be elected by a specified body of Electors composed of the President and certain officers of the College, and their duty was to study Theology, and Moral and Natural Philosophy. The usual qualifications of good conduct, aptitude for study, and sufficient skill in chanting are required both in Fellows and Demyes. The Fellows were to be elected from certain dioceses, and counties, in a proportion set down by the Founder. The Demyes were to be elected "in the first instance from the parishes and places in "which the Possessions of our College flourish; and next, out of the counties "in which any Possessions of our College lie." Waynflete annexed to his College a grammar school for poor boys, open to all comers. The Master was to receive ten pounds yearly, and the Usher one hundred shillings, and they were to have chambers, and a weekly allowance for commons of the same amount as that of the Fellows.

Statutes, c. 1.

c. 2.

c. 3.

c. 2.

c. 3.

c. 47.

No strangers were to sleep within the College, except with the permission of the College officers, and under certain restrictions. The President, however, was allowed to receive into the College the sons of twenty Noblemen, friends of the College, to be maintained at their own expense, and under the guardianship of Trustees, "commonly called Creancers." The King of England and the Prince of Wales were with their suite to lodge in the College whenever they pleased.

c. 37.

MAGDALEN COLLEGE.

The constitution of this College differs from New College in the great power given to a seniority of the Fellows.

c. 3.
c. 9.
c. 27.

We must here again notice a provision which is to be found in no previous College, though afterwards imitated in Corpus and Cardinal Colleges. This was the establishment of Academical Lecturers for the service of the University.

LECTURESHIPS.

c. 27.

What appears at first sight a slight variation in the Statutes of Waynflete from those of Wykeham, implies a great change of view as to academical study. Theology is still supreme, but it is accompanied not as at New College, by the Civil and Canon Law, but by Moral and Natural Philosophy. In like manner, in the great stress laid on Grammar, as distinct from Logic, and in the injunction that two out of the thirty Demyes are to write verses, we see the first dawn of classical taste. It was evidently in the same spirit that Waynflete founded his Three Lectureships of Divinity, Moral Philosophy, and Natural Philosophy, to instruct not only the Scholars of his own College, but the whole University. And the importance which he attached to this institution is evident not only from "his great and glowing desire of heart," to diffuse the knowledge of these sciences, but from his express injunction that the Lecturers be chosen from the best men that could be procured in the whole University, and should succeed to the next vacant Fellowships in his College, without limitation of place or birth.

c. 1.
c. 2.
c. 27.

Wood's Colleges and Halls, p. 311.

"All this there was," says Wood, "besides other poor Scholars who were "daily fed with broken meat from the table, in the public refectory, (continuing "so till 1667, at which time they were stinted,) as also the entertainment of "strangers, in lieu of that which was performed while it was a hospital, re-"ceiving daily sustenance in such measure, with other supplies, that I think "it exceedeth any Foundation for secular Scholars in Europe."

In other particulars the regulations, for the most part, were copied from New College. The Fellows and Demyes were to be "poor and indigent." The Fellows were to receive from twelve to sixteen pence a-week, according to the price of wheat, and were not to remain in the College if they had more than 100 shillings a year. The Demyes were to receive half the allowances of the Fellows, and were not to remain in the College if they had more than five marks a-year. The President was to receive 40*l.* a-year, for himself and three servants. Any surplus was to be applied to the good of the College. An ampler allowance for the commons of the Fellows than that which is above specified "in "any way or under any colour whatever" was "strictly forbidden, under pain "of perjury."

c. 43.

EMOLUMENTS OF THE PRESIDENT, FELLOWS, AND DEMYES.

c. 19.
c. 43.

Fellowships were also to be forfeited, by the acceptance of a benefice of an annual value above 8*l.*, by canvassing for the office of Proctor (though a Fellow might take it if offered to him), by absence from the College for more than sixty days in the year, by monastic vows, entering into service, marriage, or by withdrawal from College so as to neglect study. Doctors and the two Readers in Philosophy might hold benefices to the amount of twenty marks.

c. 26.
c. 20.
c. 26.

The Fellows were all to proceed to the higher Degrees, and (unless they studied Civil Law or Medicine) to take Priests' Orders within a year from the Degree of M.A. Disputations in Logic or Philosophy were to be usually conducted in the College Hall, and disputations in Divinity in the nave of the College Chapel. Daily private prayers, as well for themselves as for the souls of the Founder, his family, and four Kings of England, were enjoined upon all the Fellows and Demyes. On Sundays and holidays five services were to take place in chapel, with processions round the College cloisters, the President attired in a grey amice, and the Graduate Fellows in surplices, and capes of fur or turned up with Chinese muslin. Masses for the souls of certain benefactors are to be celebrated daily. The garb of the Fellows is prescribed with great minuteness. They are commanded to walk "with pricked ears" according to the Holy Canons. They were not to walk out alone. The Bible was to be read in Hall; only Latin is to be spoken there; and no lingering allowed after meals. The Statutes were to be read, and scrutinies into the conduct of the Fellows to take place once a-year.

c. 17.
RULE OF LIFE.
c. 14.
c. 12.
c. 23.
c. 36.
c. 39.
c. 41.
c. 43.
c. 13.

OATHS.

The President and each of the Scholars and Fellows, are bound to the observance of these Statutes in oaths of elaborate length and awful solemnity. They are to be enforced by the Bishop of Winchester as Visitor, in terminal visitations by himself or his commissaries. The Fellows are forbidden, under the menace of the judgment of God, to accept any ordinances, statutes, inter-

c. 13.
c. 49.
c. 51.

MAGDALEN COLLEGE.

pretations, glosses, variations, or expositions, repugnant to the present Statutes, or to their plain and strict grammatical and literal meaning, or to procure or use any such.

Such was the constitution of a College which Wood declares to be "the "most noble and rich structure in the learned world, that is to say, that if you "have regard to its endowment, excelleth, all things considered, any society in "Europe." Wood's Colleges and Halls, p. 350.

PRESENT CONDITION OF THE COLLEGE.

All the information we have received from the authorities of the College is contained in a note from the President, in which he states that he is "not "conscious of having misused or misapplied the property" of the College, and that he considers himself "sworn to observe, and never directly or indirectly "to procure an alteration of, or dispensation from, the Statutes." Evidence, p. 334.

The Fellows are still forty in number, and are elected from the localities specified. They are mostly non-resident. The Demyes are understood to be nominated by the College officers in succession, not, as prescribed in the Statutes, by the whole body of them; but rarely, it is believed, according to relative merit. They do not receive half the value of the Fellowships, according to Statute, but without statutable warrant, they retain their Demyships till they succeed to Fellowships. The Lecturers still exist; but their offices are annexed to College Tutorships; they are not chosen from the whole University, nor do they lecture to any but Students of the College, nor do they succeed to the first vacant Fellowship.

EMOLUMENTS OF THE FELLOWSHIPS.

It is well known that the endowments of this College are magnificent. We cannot state the amount of the revenues of the College, or the value of the Headship. Mr. Senior informs us that the value of a Junior Fellowship was, twenty years ago, 250*l.* a-year. The value of the Senior Fellowships is known to be very much larger. Evidence, p. 18.

NUMBER OF PERSONS EDUCATED.

There appear in 1851 to have been three Gentleman-Commoners, and eight Bible Clerks, who with eleven Undergraduate Demyes, make a total of twenty-two persons, receiving their education in the College.

TUTORS.

There are two Tutors, of whom one is, besides, Lecturer in Jurisprudence and Modern History, and the other Mathematical Lecturer. There is also a Lecturer in Natural Philosophy.

The total number of names on the College books, is two hundred and six.

ADVOWSONS.

There are thirty-nine benefices in the gift of the College.

Report, pp. 168, 169, 180.

We have already, in our Report on the general state of the Colleges, spoken of the disproportion between the resources of this College and the results produced by them, and of the remedies which we propose to apply.

REMEDIES.

We are of opinion that the oath of the President and Fellows and Demyes to observe the Statutes, should be prohibited; that they should be permitted to divide the surplus, and that they should be released from the obligation of holding yearly scrutinies into the conduct of the Fellows; of attending weekly disputations in Hall; of perpetual residence in College; of proceeding to the higher Degrees; of taking Holy Orders; of speaking Latin, and of hearing the Scriptures read at meals; of walking out alone; and of many other like regulations, which have long fallen into disuse.

We are further of opinion that the Fellowships should be thrown open to all Bachelors of Arts; and the Demyships to all persons below the age of nineteen; that the Demyships should be tenable only for five years; and that the unstatutable practice which now prevails of Demyes succeeding to Fellowships, should be abolished.

We recommend finally that, in the spirit of the Founder's injunctions relating to the three Lectureships, which have been so long suffered to fall into neglect, twelve Fellowships should be appropriated to the endowment of six Professor-Fellows.

BRASENOSE COLLEGE.

KING'S HALL AND COLLEGE OF BRASENOSE, COMMONLY CALLED BRASENOSE COLLEGE.

From this College we have received no information, but have had access to a printed copy of the Statutes in the Bodleian. The text of this copy is that which we have caused to be printed.

FOUNDATION.

In the year 1511, which was the third of King Henry VIII., license was given to William Smyth, Bishop of Lincoln, and Sir Richard Sutton to found "a College for a Principal and sixty poor and indigent Scholars, to study "Sophistry, Logic, and Philosophy, and afterwards, Divinity." The College was to be permitted to hold land to the amount of 300*l.* a-year. The Bishop died before the completion of his design. He left Statutes, however, with power to his Executors to amend them. They issued a code, which still exists, and which was in force till 1521, when, at the request of the Principal, Sutton issued the Statutes which still govern the Society. Smyth's draft is now lost, as also the original copy of the present code.

Churton, Life of Smith, p. 312.

STATUTABLE CONSTITUTION OF THE COLLEGE.

The Society was, according to these Statutes, to consist of a Head, twelve "Scholares Socii," and as many "Scholares non Socii" as the chambers of the College could contain after accommodating the sons and heirs of six Noblemen or sons of Magnates. Three or four of the Members of the Foundation were to sleep in each room under the care of a Fellow. The Principal, the Fellows, and the Scholars, were all to be of the Diocese of Lichfield and Coventry, with a preference to the counties of Lancaster and Chester, and a further preference to the parishes of Prescot and Prestbury. With regard to the Scholars not Fellows, it seems that there is no further extension of the limits of eligibility. As to the Principal and Fellows, they may be chosen out of the Diocese of Lincoln, in default of persons, from the localities above specified. If no suitable (idonei) candidates are found in the Diocese of Lincoln, then the Fellows are to be chosen out of the fitter and more able (aptioribus et habilioribus) persons, as to manners and learning, who may be found in the University of Oxford. When the choice is to be made between candidates from the favoured districts, it is enjoined by the Statutes, in like manner, that the "fitter and more able persons, as to manners and learning, in "the University are to be chosen." It would seem that this last provision is intended to exclude the Scholars not Fellows from any preference as such.

Stat., c. 1, 6, and 8.

Statutes, c. 2.

The Statutes of Brasenose College in many respects resemble those of New College. This resemblance does not, of course, extend to the provisions caused by the connexion of the Foundation of Wykeham in Oxford with his Foundation at Winchester, nor to the splendid services which his large endowments enabled him to establish. Amongst the lesser differences may be observed the peculiar forms of Roman Catholic devotion in Brasenose College, of which we have already spoken. These devotions are in some cases enforced by fines and whipping.

c. 1.

c. 15.

Report, p. 133.

PRESENT CONSTITUTION OF THE COLLEGE.

The College in 1851 consisted of a Principal, twenty Fellows, eight being of later ingraftment; with thirty Scholars and a large number of Exhibitioners, all endowed by Benefactors subsequent to the Founders. There were no heirs of Noblemen or sons of Magnates in the College, such as were contemplated by the Statutes. There were, as far as appears, no "Scholares non Socii." There were fifty-four Commoners.

THE PRINCIPAL.

In the election of a Principal it does not appear that the restriction as to Dioceses has been regarded, of late years at least. The Principal must be a Master of Arts, devoted to Divinity, or a Graduate in that Faculty, and of the age of thirty. He is to be chosen by a Seniority of seven Fellows. His function is to govern the whole Society; but, in affairs of moment, such as letting farms, and presenting to benefices, he can act only in conjunction with a Seniority of six. He is to reside in the College, but may obtain leave of absence for two months during the Long Vacation. In Term time he is not to be absent more than a month, except on the business of the College, without the approbation of the Seniority, under the penalty of deprivation. He is

Stat. 1, 2, 3, 4, 5.

BRASENOSE COLLEGE.

removable for misconduct or contagious disease. His stipend is to be one hundred shillings a-year, besides an allowance for his commons in ordinary times of twelve-pence a-week, but in certain weeks, sixteen-pence, and in those in which high festivals occur, two shillings; and this allowance may be further increased when the price of wheat rises to twelve shillings a quarter. The Principal swears that he will not appropriate to himself, or his own use, any part of the goods of the College, except those which are allotted to him in the Statutes and Ordinances of the College. Mrs. Joyce Frankland added two shillings, and Queen Elizabeth one shilling and fourpence weekly to the commons of the Principal towards the close of the sixteenth century. A large number of Obits and Commemorations have been founded in this College; and thus some addition has been made to the Principal's income, as well as to the emoluments of the Fellows and Scholars. In 1751 the Visitor sanctioned the addition of one hundred pounds a-year to the Headship, on the ground that its income at that time was of too mean and inconsiderable a value to support the dignity of the station. One hundred pounds a-year more was added in 1770 by a decree of the Principal and Fellows. There is no authority in the Statutes for any division of funds between the members of the Foundation. The practice is understood to be, that the fines for renewing leases are divided between the Principal and the six senior Fellows. The income of the Principal is supposed not to fall below one thousand pounds a-year at present. He inhabits a convenient residence apart from the College, but with an access to it.

App. to Brasenose Coll. Stat., p. iii. vii.

p. i. ii.

p. xxxiv.

p. xliii.

VICE-PRINCIPAL.

There is to be a Vice-Principal, to act in the absence of the Principal, and to assist him in the government of the College when present: he is to be elected by the Seniority, and to receive twenty-six shillings and eight-pence a-year, besides his emoluments as a Fellow.

Statutes, c. 9.

FELLOWS.

The Fellows must, if possible, be Bachelors of Arts, who have "determined "creditably," that is, performed certain University exercises required between the first and the second degree in Arts; but in default of such persons, a Bachelor of Arts who has not determined, is eligible, and even, it would appear, an Undergraduate. The election is in the hands of the Principal and the Seniority. The Fellow elect is to swear before his admission that he has no patrimony, fee, annual pension, or benefice, from which he can expend four pounds a-year: the Fellowship is to become vacant in case the Fellow shall come into an income from such sources, amounting to ten marks a-year. Bishop Thomas, the Visitor of the College, in a decree issued in 1754 on this subject, determined that a Fellow possessing a private income of not more than forty pounds a-year ought not to be removed from his Fellowship. He grounded his decree on the fact, that wheat, which in the Founder's time was six-and-eight-pence a quarter, was nearly forty shillings a quarter in Bishop Fleetwood's time, and, though the price of wheat had declined since the days of Bishop Fleetwood, yet that the necessaries of life had been increased, so that the multiplication by six of the sum specified by the Founder would give about its modern equivalent, or forty pounds. But the Bishop declined to decide whether a Fellow elect possessing forty pounds a-year could take the oaths required before his admission, and left the matter to the conscience of each person. The Fellows are not to hold any vicarage or chantry away from Oxford, nor within the University, if such benefice exceed in value ten marks a-year. Bishop Williams, in 1627, decided that the words "within the Uni- "versity" were to be interpreted as denoting the utmost extent of country to which the powers of its officers extended. Bishop Thomas dispensed with the Statute so far as regards the Lectureship of Rodborough, in Gloucestershire. Bishop Green, in 1764, decided that the value of Benefices was to be estimated by the valuation of Pope Nicholas, which is of earlier date than that of King Henry VIII. The Fellows are to receive their commons and pension for one year after promotion to a Benefice, "provided they discharge the duties of, and "actually are, Fellows." By a decree of the Principal and Fellows, it was determined, in 1568, that a Fellow promoted to a Benefice might hold his Fellowship for two years; on the ground that the Founder designed the year of grace for purchasing necessaries, and that the Sovereign, by the Law of the land, claimed the first fruits. One of the Fellows appears from the Oxford Calendar to hold a district church in London. The Fellows are removable for gross misconduct, for becoming monks, for marrying, for taking service under another person, for being absent for more than eight weeks, continuous or dis-

c. 6.

App. Stat., p. xxxv, xxxvi.

Ib. p. xxix.

Ib. p. xxxviii.

Ib. p. xxxix.

BRASENOSE COLLEGE.

continuous, without permission, or for neglecting their studies. They are not to leave Oxford for more than a month in full Term, or for more than eight weeks during the Long Vacation, without permission, and there must at all times be at least six Fellows in the College. Neither they nor the Principal are to receive their Commons when absent, unless the business of the College has called them away. Their emoluments are to be an allowance for Commons, like that of the Principal, their lodging, and the services of the College servants. Their allowance was increased by the benefactions of Mrs. Frankland and Queen Elizabeth; and they were likewise to receive some benefit from Obits and Commemorations. The present value of a Senior Fellowship is supposed to be not much less than 500*l.* a-year: the Junior Fellows are said not to receive above 80*l.* We believe that six or seven of the Fellows habitually reside in Term time, five being always engaged as Tutors or Officers.

PRESENT VALUE OF FELLOWSHIPS.

INGRAFTED FELLOWS.

WILLIAMSON'S FELLOWS.

Brasenose Stat., App. p. i.

In 1522, John Port, on behalf of John Williamson, deceased, gave money for the purchase of lands of the value of nine pounds a-year, for the support of two Fellows born in the city or county palatine of Chester, and of the lineage or name of John Williamson or John Port. During the first year these Fellows are to study Sophistry and Logic; at the end of that year they are at liberty to study the Civil or Canon Law; and in that case they are to receive fifty-three shillings and fourpence yearly for eight years if they reside in any College or Hall in the University of Oxford. In case of vacancy, either of those who are Fellows of the College, or of those who live out of the College, within or at the end of the said eight years, the place is to be filled up within a month, if any of the kindred offer themselves. If no such person requires the same within three years, then the Exhibition is to go to the College till such person be found. The College is bound to perform the conditions by a bond to the Abbot and Convent of Chester, under the penalty of 300*l.* The Fellowships are to be filled up within a month if any of the kindred present themselves. Whether the Fellowships are now terminable, and whether they are filled up as the Founder directs, we have no means of knowing.

ELTON'S FELLOW.

Ib. p. i.

One Fellowship was founded in 1528 by John Elton, for persons of his kindred, natives of the diocese of Hereford or Worcester; or in defect of such persons, for one born in the diocese of Salisbury, or in defect of such, for the most deserving persons born in any place.

PORTER'S FELLOW.

Ib. p. ii.

William Porter founded a Fellowship in 1531 for a person of the diocese of Hereford, or in default of a person so qualified, for one born in any diocese next adjoining Oxford. The Fellow is to receive 33*s.* 6*d.* above his Commons and other emoluments.

CLYFTON'S FELLOW.

Ib. p. ii.

William Clyfton gave certain tenements in 1530 for the maintenance of a Fellow, who is to be a Priest and Graduate of the county of York and Lincoln alternately; or in defect of such person, of the county of Nottingham, or in defect thereof, any proper person of the University of Oxford.

BRIAN HYGDEN'S FELLOW.

Ib., p. iii.

Brian Hygden gave 210*l.* to purchase lands for the maintenance of one Fellow, to be chosen out of the counties of York and Lincoln alternately.

JOYCE FRANKLAND'S FELLOW.

Ib. p. iii.

In 1586 Joyce Frankland was a great benefactress. Among other gifts, she founded one Fellowship, to which her kindred, especially kindred of the Trapps and Saxies, are to be preferred.

DARBIE'S FELLOW.

Ib. p. ii.

In 1538 Edward Darbie founded a Fellowship for a graduate of the archdeaconry of Stowe, then for one born in Leicestershire, Nottinghamshire, Oxfordshire, and the diocese of Lincoln successively, and in default of such, for a Graduate, then an Undergraduate, with the same qualifications of birth.

Ib. p. xvi.

In 1732 Charles Halstead bequeathed lands under certain limitations, for the foundation of six additional Fellowships, with a preference to his relations; but it does not appear that these lands have come into the possession of the College.

CHAPLAINS.

Ib. p. i.

Churton's Life of Smith, p. 437.

Richard Sutton, the Founder, gave an endowment for three Chaplains, who were to receive five marks a-year, and to succeed to Fellowships, if eligible, and not already Fellows. They were to be appointed by him and his heirs. This was done till the middle of the last century; but the stipend not having been increased by the College, the appointments ceased, and Divine Service is now performed by the Fellows.

SCHOLARS.

Stat. c. 8.

It does not appear, as we have stated, that any of the Scholars not Fellows, with which the College was to be filled, are now received in the College. These Scholars were to pay nothing for Lodging, or Lecture, nor for the Cook,

Manciple, Tonsor, or Laundress; but they were to pay for their board, and to find security for that payment. There are now twenty-five Scholars, and fifteen Exhibitioners, for whose support endowments have been furnished by subsequent benefactors. One at least of the benefactions left in trust to the College has become very beneficial to it, if not to the parties chiefly contemplated by the Benefactor. Dean Nowell gave estates to the College in 1572 and 1579 for the support of a school in Cheshire, and the payment to thirteen scholars from that school, at Brasenose College, of five marks yearly. The estates now produce, as the College has admitted, "a large sum, but not 3000*l.* "a-year." This appeared in a suit commenced at the relation of Alexander Nowell, Esq., and the Attorney-General. It was finally decided in the House of Lords in 1834, that "when a fund is given to the members of a corporate "body, as trustees, for the maintenance of a school, if such fund is not given "out and out, but only as the trustees may think best to apply it for the "advantage of the school, the surplus, after satisfying the exact charge first "created upon the fund, belongs to the trustees." There had, it appears, been a surplus of about 10*l.* in the life-time of Dean Nowell, who was also Principal of the College, and the College had then applied the surplus to its own use. On this ground, the suit was decided in favour of the College. It appears from the Oxford Calendar for 1851, that there were then but two Scholarships on Nowell's Foundation. Of the present value of the other Scholarships we have no means of judging.

BRASENOSE COLLEGE.

Appendix, p. vii.

2 Cla. and F., 295.

Mr. Hulme's Exhibitions are of considerable value; they are in the patronage of three clergymen in Lancashire and Cheshire. His trustees have been empowered by Act of Parliament to purchase Ecclesiastical patronage for the Exhibitioners, and now present to twenty-nine pieces of preferment.

Appendix, p. xv.

A Lecturer was, according to the Statutes, to be appointed from among the Fellows, and to receive for his pains 20*s.* a-year, and the fees on presentation to Degrees. He was to lecture by himself, or by others. Bachelors of Arts were also liable to teach the scholars when called upon to do so by the authorities, and to be paid as they should think proper. Mrs. Frankland increased the stipend of the "Second Logic Reader" by the yearly sum of 2*l.* 13*s.* 4*d.* In 1560 Sir John Port bequeathed 200*l.* to provide stipends for two Readers, one in Philosophy, and the other in Humanity: they were to receive each 4*l.* per annum, and to lecture thrice a-week. In 1572 Richard Harper gave lands to found a Greek Lectureship: the Reader was also to receive 4*l.* a-year. In 1628 Dr. Barneston gave a rent-charge of 6*l.* 13*s.* 4*d.* to endow a Hebrew Lectureship: the Reader is to receive 6*l.* a-year. In 1647 William Hutchins gave 100*l.* by will, for the increase of the wages of the Divinity Reader, and other purposes: it was ordered that the Reader should have 2*l.* 10*s.* a-year. The present value of these endowments we have no means of learning. The offices appear to be held by two of the Tutors, and one of the other Fellows, who is also Bursar. The Tutors are three in number: one of them is also Mathematical Lecturer. The Undergraduates are seventy-four in all. The Studies now are probably the same as in other Colleges. There is a Special Lecturer for Mr. Hulme's Exhibitioners, who continue to reside for three years after taking the degree of B.A.

STUDIES.

Stat., c. 11.

App. Stat., p. iii.

Ib. p. vi.

Ib. p. viii.

Ib. p. ix.

Ib. p. ix, x.

The total number of names on the College books in 1851, was 408. There are thirty-three benefices in the gift of the College.

The Bishop of Lincoln is Visitor. He is, whenever required by the Principal and Seniority, and ordinarily once in three years, by himself or his Commissaries, to exercise his office, in order to see that none of the Statutes are, by abuse and desuetude, wholly or in part neglected; to correct all excesses and abuses; and to remove, if necessary, the Principal, or any other member. He is to receive 3*l.* sterling for each visitation. No one is to make Statutes or Ordinances repugnant in any way to the sense and meaning of the Statutes of Sutton, or derogating from them. They are to remain for ever "safe and "inviolable in every particle."

VISITOR.

Stat. c. xxxv.

Stat. c. xxxviii.

Stat. c. 1.

We are of opinion that the administration of the affairs of the College generally, and all Elections, should be in the hands of the whole body of Fellows; that the appropriation of fines to the Principal and Seniors should cease. It has a tendency to impair the management of the estates. It is in no way contemplated by the Statutes; but it is said to have been maintained by the Visitor, on an appeal from the Junior Fellows. We are of opinion also that

REMEDIES.

BRASENOSE COLLEGE.

the Senior Fellowships should in no case exceed 300*l.* a-year; that the Junior Fellowships should be raised to 150*l.*; that the Fellowships should be open to all persons who have passed the Examinations for the Degree of Bachelor of Arts; that in the spirit of the Founder's intentions, five Fellowships should be suspended, in order to provide support for ten Scholars at least, each to receive 50*l.* a-year, from the goods of the College; the Scholarships to be held for five years, and to be entirely open to all persons under the age of nineteen. We are of opinion, further, that the College should be released from the Statutable obligation of requiring Fellows about to be admitted to swear that they have only 4*l.* a-year, and from that of requiring the resignation of Fellowships if the holders have more than ten marks a-year; from that of filling their chambers with poor Scholars; from that of receiving into the College only six heirs of Noblemen, or sons of Magnates; from that of electing a Lecturer to train Students in Sophistry, Declamations, Recitations, and Doubts; from that of speaking Latin; from that of not entering the houses of Laymen; from that of attending Disputations; from the obligation respecting their Emoluments; from that of reading the Bible in the Hall; from that of wearing the dress specified in the Statutes; from that of residence; from that of requiring a Fellow to sleep in the same room with the Scholars; and from many other minute rules prescribed in the Statutes, which the Head and Fellows have sworn to observe, and that the oath itself shall be declared unlawful.

CORPUS CHRISTI COLLEGE.

CORPUS CHRISTI COLLEGE.

From this College we have received full Evidence, and copies of its Statutes and other documents, which we have caused to be printed.

FOUNDATION.

Corpus Christi College was founded in 1506, by Richard Fox, Bishop of Winchester, under a licence from King Henry VIII. The number of Fellows named in the Charter was thirty, "or more or less, according to the Ordina- "tions and Statutes to be made or imposed." The Statutes were issued in 1517 by the Founder, and (with the exception of some alterations which he made himself before his death) still govern the College. The number of persons on the Foundation was extended to forty, of whom twenty were to be "Scholars" or "Fellows," and twenty "Disciples" or "Students." Two Chaplains, two Clerks, and two Choristers were added. The regulations of the Statutes closely resemble those of Magdalen, where the Founder was educated. The Fellows were to be elected from the Scholars, and the Scholars were to be elected from certain counties or dioceses in certain proportions, these localities being, as far as appears, selected with regard to the dioceses over which the Founder and other benefactors had presided, or the places in which they were born. Regard was also had to the counties in which the College had property. Three Fellowships, as at Magdalen, were to be appropriated to Lecturers, whose election was to be freed from these local restrictions. The President (by a later alteration of the Founder himself) was to be elected, not by the whole College, but by the seven seniors. All the Students at the time of their admission were to have received the first Clerical tonsure; all (except one devoted to Medicine) were to take Holy Orders, and to proceed to the Degree of Doctor in Divinity. Poverty, though not expressly mentioned amongst the qualifications, was secured by the provision that no Scholar was to possess more than five marks yearly at the time of his admission, and the President and Fellows were to have from twelve pence to eighteen pence a-week for commons, according to the price of wheat. The President was also to have ten pounds a-year and other allowances. Horses and servants were, as in other Colleges, kept at the expense of the College. In addition to their commons and dresses, the Fellows who were Priests were to have four marks a-year; those who were not Priests, forty shillings a-year. Fellowships were to be vacated, as elsewhere, by marriage, monastic vows, service, ecclesiastical preferment, or a patrimony of the value of one hundred shillings a-year, which, however, the Fellows might forego.

Statutes, * c. 1 (or Preface).

STATUTABLE CONDITION OF THE COLLEGE.

Life of Bishop Fox, prefixed to Ward's Translation of the Statutes, p. xl.

c. 10 (9).

c. 22 (21).

c. 4 (3).

c. 25 (24).
c. 26 (25).
c. 15 (14).

c. 37 (36).

c. 31 (30).
c. 37 (36).
c. 30 (29).

PECULIARITIES OF THE COLLEGE.

In these and many similar particulars, therefore, this College has nothing to distinguish it from its predecessors; but there are two peculiarities which must be more closely noticed. First, the usual rule of life and discipline, and the usual precautions against alterations of the Statutes, in this College were enforced with peculiar severity. The prohibitions against walking alone, against non-residence, against anything which should withdraw the Fellows from their studies, were multiplied beyond former example. The oaths, too, were increased both in length and in number; and the President and Fellows each were required to enter into a bond to secure their observation of the Statutes. The Bishops of Winchester, as Visitors, were enjoined with unusual solemnity to provide for the enforcement of the Statutes. It would seem as if the Founder, anticipating the great change which in a few years was to pass over the face of European society, was determined by these minute regulations and solemn imprecations to preserve his own institution immovable amidst the general convulsion.

c. 5 (4).
c. 15 (14).

c. 5 (4).
c. 54 (53).

Secondly, the object of the College was, more distinctly than any previous foundation, connected with the studies of the age. Classical Literature was now for the first time expressly mentioned. There was an apology for the Statutes not being written in Ciceronian Latin. The Classical Authors were for the first time enjoined as subjects of instruction. Composition in verse,

c. 2 (1).
c. 22 (21).
c. 15 (14).

* The references are made to the Statutes as numbered both in the original copy and in that from which Mr. Ward's translation (published in 1843) was made.

CORPUS CHRISTI COLLEGE.

and Latin letter-writing, were required of the Scholars. Greek as well as Latin was to be spoken in the Hall. Greece and Southern Italy were especially mentioned as countries from which the College Lecturers were to be elected. A three years journey to Italy was allowed to supersede all the Statutes respecting residence. The subjects of the College Lecturers were to be (not as at Magdalen, the old routine of Divinity and the two Philosophies, but) Divinity, Humanity (or Latin), and Greek. Incessant industry in these studies is the main duty which the Founder inculcates on his College, which, by a curious metaphor sustained throughout the Statutes, is called his hive of bees. This object is intended to be secured by numerous and minute regulations. The injunction which was inserted in the Statutes of Magdalen against canvassing for the office of Proctor, lest the Fellows should be diverted from their studies, is here exchanged for an absolute prohibition to accept the office if offered to them, on pain of instant forfeiture of the Fellowships. Even on feast-days and in vacations the time of the Students was to be spent "in writing "verses and letters, in the rules of Eloquence, the Poets, Orators, and His- "torians." Relaxation was only to be allowed in the afternoons, and sometimes in the forenoon, "on rare occasions," with the consent of the College officers. There was a special provision that every Fellow, five years from his Regency, was to preach either at St. Peter's or St. Frideswide's Cross in Oxford; and also that every Fellow, after taking his Degree of D.D., to which by Statute he was bound to proceed, was sworn to preach for two years from that time seven sermons in each year in some populous town. Of these sermons, one was to be at Paul's Cross, and one at St. Mary's Hospital, in London. This obligation of preaching at Paul's Cross, as appears from a well-known passage in the Life of Hooker, was in force in the reign of Queen Elizabeth. These studies and exercises were to be superintended by the Dean of the College; and instruction was to be provided not only for the inmates of the College, but for the whole University, by the three Lecturers before mentioned, each of whom was to be endowed with a Fellowship free from all restrictions.

Statutes, c. 10 (9). c. 21 (20). c. 22 (21). c. 31 (30). c. 22 (21). c. 23 (22). c. 25 (24). c. 26 (25). Walton's Lives, vol. i., p. 341. Statutes, c. 22 (21).

Such was the Society which drew down the celebrated encomium of Erasmus, that what the Colossus was to Rhodes, what the Mausoleum was to Caria, that Corpus Christi College would be to the kingdom of Britain.

Life of Bishop Fox, p. xlii.

PRESENT CONDITION OF THE COLLEGE.

The minute regulations which prescribed the studies, the worship, the exercise, the manners, the language, the dress, of the Fellows of Corpus, have been entirely set aside, and for the most part with great advantage, by Acts of Parliament, by custom, and by injunctions of the Visitors, although the Fellows are still bound to observe and accept the Statutes of Richard Fox and of none other. "The Statutes have ceased to be observed literally" (as the Tutors of Corpus inform us) "in respect of residence, in respect of religious services, in "respect of the course of study and methods of instruction and manners marked "out by the Founder." Out of twenty Fellows, thirteen are non-resident. By a Visitor's injunction, in 1667, they are permitted to be Proctors. One only is a D.D. The value of disqualifying estates has been raised from 100*s.* to 200*l.* The value of disqualifying benefices is rated by the Valor of Pope Nicolas. Of the three Lectureships contemplated by the Founder, one seems not to have been founded at all, and the other two are merged in the Fellowships and Tutorships, and no Lectures are delivered by the Lecturers except to members of the College. The two Choristers and the two Clerks in Minor Orders have been turned into four Exhibitioners. The Visitors have not only interpreted, but dispensed with and virtually repealed whole Statutes of the Founder. Their regular visitations have long since ceased.

Evidence, p. 337. Injunction of Bishop Morley, 1667, App. to Coll. Stat., p. 124. Evidence, p. 337. Ibid., p. 337.

NUMBERS OF THE COLLEGE.

The number of Fellows is still twenty, as in the time of the Founder. One Scholarship has been added since the original Foundation, confined to the kindred of Mr. Frost; but the number of Scholarships is still, as at first, twenty.

TUTORS.

Besides the twenty Scholars there were, in 1851, two Gentleman-Commoners, four Exhibitioners, and a Bible Clerk. There are three Tutors.

The total number of names on the College Books in 1851 was one hundred and thirty-nine.

BATTELS.

The average amount of battels for a Gentleman-Commoner was 130*l.*

Evidence, p. 338.

ADVOWSONS.

There are twenty-two benefices in the gift of the College.

We subjoin the statement furnished by the College of the amount of its corporate revenues and their application:—

ORPUS CHRISTI COLLEGE

"Our income arises almost entirely from land and houses, only a small part "being derived from investments in the Government funds.

Evidence, p. 335

"Our manorial property is copyhold for lives. About twelve years since "the Society discontinued the practice of granting renewals in this kind of "property. The portion of income therefore arising from this source is at "present small. Our freehold property is let principally on beneficial leases "for twenty years at annual reserved rents, such leases being renewable "every seven years on payment of a fine. A few estates are now let at rack-"rent, the leases having been allowed to run out, and some other leases are "in course of expiration.

REVENUES.

"From these sources our corporate revenue is about 8,500*l.* This sum "indeed is above our actual receipts, but is arrived at by supposing that we are "still in receipt of fines from those estates of which the leases are running out; "whereas, while that process is going on, the septennial fines are not received.

"The Head of the College receives on the average 1,000*l.* a-year. Twenty "Fellows receive 200*l.* a-year each on the average. In addition to this, 300*l.* "a-year is divided amongst such as hold College offices, viz. the Tutors, Deans, "and Bursars. Two Chaplains receive about 50*l.* a-year each, and a Clerk of "Accounts 50*l.* To each of twenty Scholars, four Exhibitioners, and seven "servants about 40*l.* a-year is paid. We carry 500*l.* a year to a reserved fund "for general purposes. The remainder of our income is exhausted by the "following charges, viz. wages of College servants, assessed and property "taxes, insurance and repairs of College buildings, tradesmen's bills, and sub-"scriptions to parochial and diocesan societies."

The hopes which Erasmus entertained of the future celebrity of this Society have not been realised. But we must observe that, in spite of the disadvantages imposed upon the College by the Statutable restrictions, to which it has adhered amidst the neglect of so much besides, it has the credit of instituting strict Examinations for its Scholarships at a time when such Examinations were almost unknown, and thus of placing amongst its Scholars at the beginning of this century many eminent names. And the efforts made by the Fellows on the present occasion to assist inquiry into the state of their College, together with the recent abolition of the class of Gentleman-Commoners in the College, and the resolution to admit Commoners, prove that, if the College has failed to preserve the great name which it enjoyed at its first foundation, this is not for want of desire on the part of the present generation of Fellows to promote its usefulness as a seat of instruction and education.

MEASURES REQUIRED

We can have no hesitation, therefore, in adopting the principle sanctioned by the Visitors of the College, that when the cause of a regulation has ceased to exist, the regulation itself should cease to be enforced. We recommend that the local and family restrictions be removed, and that it be declared unlawful to impose the oaths which bind the President, Fellows, and Scholars to the observance of Statutes, almost all of which have either become obsolete, or been superseded by the Injunctions of Visitors. We are further of opinion that here, as in other Colleges, the connexion between the Scholarships and Fellowships should be severed, and that the Scholarships should be tenable for five years. We have already recommended, in our general Report on the Colleges, that, with the view of carrying out the designs of Bishop Fox, for so many generations frustrated or neglected, two Professorships should be endowed by the College with an income each of the value of three Fellowships.

See Injunction of Bishop Morley, 1667. App. C. C. C. Stat., p. 124.

Report, p. 180.

CHRIST-CHURCH.

THE CATHEDRAL OF CHRIST-CHURCH, OXFORD.

From Christ-Church we have received hardly any Evidence. A copy of the Statutes of Cardinal College has been obtained from the British Museum. A copy of a later addition to this Code has been procured from the Record Office, together with a copy of the Statutes for the first Foundation of King Henry VIII. These we have caused to be printed.

FIRST FOUNDATION.

This great Society has had three distinct foundations. In 1526, Cardinal Wolsey, in his well-known zeal for learning, procured a Bull from Pope Clement VII. for the suppression of twenty-two monasteries. Among these was the Priory of St. Frideswide, the earliest and one of the greatest of the monastic establishments in Oxford, which Wolsey chose as the site of a new College, to be called from him CARDINAL COLLEGE. It was to exceed in magnificence any previous foundation in Oxford, and to consist of a Dean, Sub-Dean, one hundred Canons, all devoted to study, together with one hundred Scholars; six public Professors, in Divinity, Canon and Civil Law, Medicine, Liberal Arts, and Humanity, who were to deliver Lectures to the whole University; and four College Lecturers in Philosophy, Logic, Sophistry, and Humanity. There were to be besides thirteen Chaplains, twelve Clerks, and sixteen Choristers, to keep up the service; four Censors, who, conjointly with the Dean and Sub-Dean, were to maintain discipline over the Canons; seven officers employed in the business of the College; and twenty-six servants.

Wood's Colleges and Halls, pp. 414-420.

Ibid., pp. 423, 424.

Wood's Annals, vol. ii., p. 27.

SECOND FOUNDATION.

The whole of this great establishment, on the fall of its Founder in 1529, came into the hands of King Henry VIII. In 1532 he refounded it under the name of KING HENRY THE VIII.'s COLLEGE, and gave it Statutes, appointing a Dean and twelve Canons, with a certain number of Clerks, Chaplains, and Choristers. To this body no educational duties were assigned, and the Statutes (which we have caused to be printed) entirely relate to the maintenance of the service and the management of the property; so that, in fact, it was simply a Cathedral under the name of a College. In 1545 he took the revenues back into his own hands.

Ibid., p. 428.

THIRD FOUNDATION.

Meantime the King had created the new Bishopric of Oxford from part of the old Diocese of Lincoln. The Cathedral of the Bishop had at first been placed in the Abbey of Oseney, close to Oxford; but, in 1546, the King perceived that he might combine the Chapter of his new Cathedral with the governing body of the new College. The seat of the See of Oxford was therefore transferred from Oseney to St. Frideswide's; and King Henry, once more, by Letters-patent, re-established the College under the name of "CHRIST-"CHURCH CATHEDRAL IN OXFORD, OF THE FOUNDATION OF KING HENRY "VIII.," with a Dean and eight Canons, to whom was granted the site of the previous College, together with Canterbury College (founded by Archbishop Islip), Peckwater Inn, and other tenements and estates, on condition that they should pay certain annual stipends to the following persons. Eight Minor Canons were to have 10*l.* each; sixty Students, 8*l.* each; a Schoolmaster 20*l.*, and an Usher 10*l.*, to teach forty boys. There were also to be sums, varying from 13*l.* to 6*l.*, to be paid to a Gospeller, Postiller, Lay Clerks, Choristers, Master of Choristers, Organist, and twenty-four Almsmen. The stipends of 40*l.*, which had hitherto been paid by the Chapter of Westminster to each of the three Professors of Divinity, Hebrew, and Greek, established by the King in 1540, were henceforth to be paid by the Chapter of Christ-Church. At this time, the Professors had no further connexion with the Foundation. The King dying in the course of the next year, no Statutes were given to Christ-Church; and it still stands alone among the Colleges, as being governed without Statutes, by Orders of the Dean and Chapter. In the short interval between the foundation of Christ-Church and the King's death, the institution was altered in one important respect: the boys were transmuted into forty Students, who, with the sixty previously established, brought the number to one hundred. The foundation was again modified by Queen Elizabeth, who, in 1561, ordered that at least three Students annually should be elected from St. Peter's College at Westminster. In 1663, in the burst of loyalty that accompanied the Restoration, "a jovial Cavalier" of the name of Thurston, gave "in a humour "by will" 900*l.* for the maintenance of one or more Scholars in "*King's*

Ibid., pp. 431, 432.

Ibid., p. 433.

Wood's Annals, vol iii., p. 841.

Gutch's Note on Wood's Colleges and Halls, p. 434.

Ibid., pp. 433, 434.

Ibid., p. 436.

"College, Oxford." There is no College called by that name. But, as Christ-Church, Oriel, and Brasenose are all so styled in their respective Charters, each laid claim to it; and, Christ-Church having gained the day, a new Studentship was added, thus raising the number to one hundred and one. The nomination to this Studentship belongs, at the present day, to Lord Vernon. CHRIST-CHURCH.

In 1604, King James I., by assigning one of the Canonries of Christ-Church to King Henry's Professor of Divinity, annexed that Chair to the College. In 1630, King Charles I. similarly endowed King Henry's Professor of Hebrew. The same King annexed a Canonry in Christ-Church to the Public Oratorship, which, however, was severed from it in the reign of King Charles II., and has never since been united to it. In 1842, Your Majesty was graciously pleased to found two Chairs of Ecclesiastical History and Pastoral Theology, to be endowed hereafter with Canonries of Christ-Church, as they should fall vacant. The Professor of Pastoral Theology has succeeded to his Canonry; but no vacancy has yet occurred for the Professor of Ecclesiastical History, and he is still supported by the University. By an Act of Parliament passed in 1840, the Prebend in Worcester Cathedral attached by King Charles I. to the Margaret Professorship of Divinity, was commuted for a Canonry in Christ-Church, to which the present Margaret Professor has succeeded. By the same Act, another Canonry was annexed to the Archdeaconry of Oxford, charged however with an annual payment to the Archdeacon of Berks. ANNEXATION OF CANONRIES TO UNIVERSITY PROFESSORSHIPS.

Wood's Ath. Ox., vol. iii., p. 131.

On comparing the present condition of this Institution with that in which it was left by its second Founder, King Henry VIII., we find the following results. PRESENT CONDITION OF CHRIST-CHURCH.

It is still governed by the Dean and eight Canons. The following is the statement of their incomes in the Report of the Ecclesiastical Revenues of England and Wales. The Dean receives for wages 133*l.* 6*s.* 8*d.*, and for focalia 10*l.*; and each Canon receives for wages 20*l.*, and for focalia 5*l.* Of the rent of the College meadow (let for 250*l.*), the Dean receives one-half, and each Canon one-sixteenth. But the average surplus divided between the Dean and Canons, but subject to taxes, contributions to small livings, &c., was 12,547*l.*, the Dean receiving one-fifth, and each Canon one-tenth; and the average sum divided between them in the same proportions, in respect of their College offices, but subject to College and University dues, was 2,153*l.* THE DEAN AND CANONS.

Report of Ecclesiastical Revenues, Table No. ii., p. 20.

Houses are assigned to the Dean and Canons, of which the College keeps the exterior in repair.

Of these Canonries, none of which had duties assigned by King Henry VIII., all are now annexed, except three, to University Professorships; and of these three, one is assigned to an ecclesiastical officer of the diocese of Oxford, and another to the Sub-Dean of the College.

The Studentships are still one hundred and one in number. All young men placed on the Students' list, may retain their Studentships in perpetuity. But when they come into the number of the twenty Seniors, they are obliged to enter into Priest's Orders within a limited time; otherwise they are struck off the list. The only exception to this rule is in favour of four "Faculty Students," who are allowed to devote themselves to the study of Medicine, Law, or general Literature, without the necessity of taking Orders. The value of all these Studentships is small, and varies with the price of corn in the Oxford market. The forty-one Juniors receive at present an annual dividend amounting to rather more than 25*l.* a year; the next forty receive rather more than 30*l.*; and the senior twenty about 45*l.* Besides this, the twenty Seniors enjoy certain lands held by Trustees for their benefit, which raise their emoluments in money to rather more than 80*l.* a year. Rooms are assigned to Students, of which they receive the rent when non-resident. They have also allowances for commons, &c., of small amount. To Students elected from Westminster School, Dr. Lee left Exhibitions of 50*l.* a year for seven years after election, on the condition of their residing a certain portion of each year. Bishop Carey has lately left a sum amounting, we believe, to 30,000*l.*, the proceeds of which are to be assigned by the Dean to certain of the Westminster Students who have taken the Degree of B.A., and who wish to reside for the purpose of studying Theology. The condition of Students of Christ-Church, so far as their allowances go, more nearly represents what was intended by most Founders of Colleges to be the condition of their Fellows than that of any other Society in Oxford. This arises from the fact that all the surplus revenue THE STUDENTS.

CHRIST-CHURCH.

is divided among the Dean and Canons, who in this respect resemble the present Fellows of other Colleges, while the Students stand to them in the relation of Scholars.

These Studentships are bestowed by the Deans and Canons in turn, except that two or three are elected annually from Westminster. From the Students are chosen the College officers, namely, two Censors and two Readers, with several Tutors, and one Mathematical Lecturer, who all together correspond to the Deans and Tutors of an ordinary College. The discipline is administered by the Dean, with the assistance of the Sub-Dean, who is always one of the Canons, and the Censors; but in the case of Students it is enforced, in the last resort, by the Chapter.

EXHIBITIONS.

There are Exhibitions, founded by Bishop Fell, Archbishop Boulter, and others, to the amount of about 500*l.* a year, which are bestowed on Members of the College (not like the Studentships by personal nomination, but) by examination.

NUMBERS.

The number of Undergraduate Members in 1851, was about one hundred and ninety. The total number of names on the College books was seven hundred and twenty-five.

Evidence of Mr. Conybeare, p. 339.

We have stated in our General Report that the average battels of Commoners in this College are very moderate.

There are twenty-two benefices in the gift of this Society.

LEE'S READER IN ANATOMY.

Dr. Lee, who left the Exhibitions for Westminster Students, also left endowments for a Lecturer in Anatomy and the maintenance of an Anatomical Museum. The University has recognised the certificate of this Lecturer as

Evidence, p. 283.

applicable to Academical purposes. Dr. Acland, who now holds the office, has furnished us with a full account of the Museum, which appears to be maintained in a highly creditable condition.

REMEDIES.

To carry out the great designs of Cardinal Wolsey would, of course, be impossible. To some extent, however, this has been done by the successive annexations of the Canonries to University Professorships; and in this respect any recommendations which we might have thought it our duty to propose have been anticipated by the gracious acts of Your Majesty and Your Royal predecessors. Still we cannot but feel that, viewed as a place of collegiate education, this magnificent Institution is less efficient than it might be, and

Report, p. 152.

than it has formerly been. This is due in great measure (as we have shewn before) to the fact that many other Colleges have opened Scholarships to general competition, while the Studentships of Christ-Church are still given away as pieces of patronage. This result is also due, in part, to the poverty of the Studentships, compared with the Fellowships of other Colleges,—to the connexion of so large a portion of them with one School, which has not always been in a flourishing state,—and to the assignment of the chief authority in the College to the Chapter, of which the members take no part in the instruction, while the

Report, p. 176.

Tutors have little power.

We have already stated the recommendations which we think necessary for the amendment of this great Collegiate Society so fully, that it is needless to repeat them here. We have to add, that we think the College would do well to annex their Readership in Anatomy to the Regius Professorship in Medicine, so that the endowments may be fully available for Academical purposes. The administration of the College should be placed in the same hands to which we have proposed to transfer the election of Students. The Thurston or Vernon Studentship should no longer remain in the nomination of an individual.

The Code framed by Wolsey for Cardinal College was very elaborate; and the oath of the Dean and Canons to observe it was almost exactly similar to that which we have noticed in our account of Corpus Christi College. The death of King Henry VIII., which prevented the present Foundation from receiving any Statutes, has happily relieved the Society from the contrast between statutable obligations and actual performance which exists in all other Colleges. The oath, however, of obedience to the Dean, which is now exacted from Students at admission should be discontinued.

TRINITY COLLEGE.

We have received no Evidence from this College, nor have we been able to procure a copy of its Statutes.

FOUNDATION. Warton's Life of Sir T. Pope, pp. 112, 113.

In 1290 Richard de Hoton, Prior of Durham, founded Durham College at Oxford, an establishment of Regulars for the education of the young Student monks of Durham. This institution perished at the dissolution of the Monasteries; but its property was transferred by King Henry VIII. to the newly-created Chapter of Durham Cathedral. Its site and buildings, after various changes, ultimately passed into the hands of Sir Thomas Pope, who, in 1554, procured a license from King Philip and Queen Mary to found a College on this spot, under the title of Trinity College; "for the increase and public profit "of his country, and augmentation of orthodox faith and Christian religion, "and for the perpetual sustenance of poor Scholars living in the University; "for the maintaining also of the number of twenty Scholars." Of those Scholars twelve were to be Fellows, and to study Philosophy and Divinity, and eight to be Scholars, and study Polite Learning, Logic, and Philosophy. The Scholars were to be elected from the Founder's manors. If, however, no fit Candidates appeared on Trinity Monday, the vacancies were to be supplied from any county in England. The Fellows were to be elected from the Scholars. Not more than two natives of the same county could be elected Fellows, Oxfordshire excepted, from which county five were allowed.

STATUTABLE CONDITION OF THE COLLEGE.

Wood's Colleges and Halls, p. 59.

A special object of the Founder seems to have been to promote the study of the Latin and Greek languages, the former of which he feared was falling into neglect. He established two Lecturers in Philosophy and Rhetoric, and laid down an elaborate scheme for their guidance.

Ingram's Memorials of Oxford. Trinity College, p. 8.

The Founder, from his affection for Gardiner, appointed the Bishop of Winchester Visitor of the College.

ADDITIONAL BENEFACTIONS.

In 1557 four Scholarships were added by Sir Thomas Pope, which were to be placed on the same footing as the original eight. Another Scholarship, founded about the same time by Mr. Blount, raised the number to thirteen, which has not been increased. Three Exhibitions have been founded by later Benefactors, one by Mr. Unton, in 1693; one by Mr. Tylney, in 1720; and a third, in 1784, by Archdeacon Cobden, for the advantage of superannuated Scholars of Winchester College. This Exhibition has been augmented from time to time by the Warden and Fellows of Winchester College, and has probably tended to maintain a connexion between Trinity College and Winchester School.

We may observe that this is the first College, after Balliol, founded by a layman, as were all Colleges subsequent to this time. It is also remarkable, as being, like St. John's College, founded by a Roman Catholic after the Reformation. Of its Statutes, we can give no further account. Wood informs us that they resemble those of Exeter College.

Wood's Colleges and Halls, p. 106.

PRESENT CONDITION OF THE COLLEGE.

There are now twelve Fellows and thirteen Scholars. In 1851 the number of Commoners was sixty-seven; the total number of names in the College Books was two hundred and eighty-eight. There are four Tutors, one of whom is Lecturer in Rhetoric; and there is besides a Lecturer in Philosophy.

There are ten benefices in the gift of the College.

SCHOLARSHIPS.

We are unable to give any account of the revenues of this College. The Scholarships, however, are known to be amongst the most valuable in the University, being worth about 70*l.* a-year; and from this cause, combined with the circumstance that, though nominally confined, they are virtually open to a very large portion of the kingdom, the College has reaped great advantage, and has numbered on its list of Scholars many distinguished names.

LOCAL RESTRICTIONS.

With regard to the local restrictions which have prevented the Fellowships from maintaining the same high character as that borne by its Scholarships, we quote the words of Mr. Freeman, a late Fellow of the College:—

Evidence, p. 141.

"Sometimes a rule, which was originally intended as a liberal one, has, in "the lapse of time, acquired a character entirely opposite. Thus in the foun-

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"dation of Trinity College, the Founder directed that, with the exception of "Oxfordshire, there should not be more than two Fellows of the same county "at once; Oxfordshire is allowed five. One can hardly doubt that the inten- "tion of the restriction was to keep the foundation as open as possible, by pre- "venting the formation of any local clique. The exception may have been "merely a pardonable weakness for his native county, or it may have been "intended for the benefit of persons born in the University, who might be "reasonably supposed to have less local feeling. But even against Oxfordshire "a clear majority of Fellows is secured. In any case the restriction is clearly "meant to be liberal. But now that local feelings are less strong, and birth "in a particular county less generally implies any practical connexion with it, "the danger is not to be feared; at all events, the evils of the restriction, which "continually shuts out the most distinguished of the Scholars from pro- "motion in their own College, greatly overbalance its advantages."

MEASURES REQUIRED.

In this opinion we fully concur. We therefore recommend that these restrictions shall in this, as in other Colleges, be removed. We also recommend that the oath to observe the Statutes be declared illegal, and the President and Fellows be released from the obligation to perform duties which are now become obsolete. We are further of opinion, that the Scholarships should here, as elsewhere, be tenable for five years, and that their connexion with the Fellowships should cease.

COLLEGE OF ST. JOHN BAPTIST, COMMONLY CALLED ST. JOHN'S COLLEGE.

ST. JOHN'S COLLEGE.

This College has declined to give us information respecting its revenues, and we have been unable to procure a copy of its Statutes. But to our general inquiries copious answers have been returned.

FOUNDATION.

St. John's College succeeded an older institution, which Archbishop Chichele had founded in 1456, under the name of Bernard College, for monks of the Cistercian Order. On the site of this College Sir Thomas White, in virtue of a license procured from King Philip and Queen Mary, in 1555 founded a College dedicated to the honour of God, the Virgin Mary, and St. John Baptist, "for the learning of the Sciences, of Holy Divinity, Philosophy, and Good "Arts;" it was to consist of a President and thirty Scholars. This number was in 1557 increased to fifty Fellows or Scholars (of whom twelve were to study Civil and Canon Law,) three Chaplains, three Chanters, and six Choristers.

Wood's Colleges and Halls, p. 535.

p. 538.

STATUTES.

The Statutes of this College are said to be framed on the model of those of New College, and the extracts given from them in Wilson's History of Merchant Taylors' School, are in many passages word for word the same as the corresponding regulations in the older institution; and we gather from the Evidence that the observances enjoined in the two societies are very nearly alike. The chief peculiarity of St. John's College consists in the restrictions which the Founder imposed on the Fellowships and Scholarships, though these too are modifications of the restrictions specified in the Statutes of New College.

FELLOWS AND SCHOLARS.

Of the fifty Fellowships, constituted by the Founder, seven were allotted to the schools of Bristol, Coventry, Reading, and Tunbridge. The three first-named Schools were to send two Scholars to the College, and Tunbridge one.

Evidence of Dr. Hessey, p. 348, 349.

The Scholars sent from these Schools are chosen, in the first instance, by the municipal authorities of the respective towns; except in the case of Tunbridge, where, there being no corporation, the Vicar and principal inhabitants appoint. The Scholars so chosen are examined at the College, and if found fit are admitted; if they are not fit, the College (that is, the President and ten senior Fellows) may elect to the vacant Fellowship without any restriction.

Evidence of Mr. Rew, p. 353.

The remaining forty-three Fellows were to be chosen from the boys educated in the city of London, but with a strong preference to those educated at Merchant Taylors' School. The vacancies were to be filled up yearly by the Master, Wardens, and Court of Assistants, with the consent of the President (or Vice-President), and two of the Senior Fellows of St. John's College.

If any doubt should arise as to the fitness of the candidate between the School election day and the College election day, the College is at liberty to examine again; and, if it sees reason to do so, to reject him.

Ibid., p. 353.

If no duly qualified persons are found in Merchant Taylors' School, the electors are to look for Scholars from Christ's Hospital; if none can be found there, they are then to elect from any school in London or its suburbs; and if none can be found within these limits, then Scholars may be chosen from any part of England.

In a later clause of his Statutes the Founder, out of regard for his family, excepts six out of these forty-three Fellowships for his own kin, so long as they shall be found. But he adds, if no Founder's kin appear, then "plenus "sit et perfectus Londinensium numerus," that is, to 43; "crescente numero "consanguineorum minuetur numerus Londinensium," that is, to 42, 41, 40, 39, 38, 37, but not lower.

For most of these preferences the Founder assigns his reasons. For that given to Merchant Taylors' School, and the other London schools, he states that he was influenced by his affection for London, where he had been educated and had acquired property, and especially for the Court of Merchant Taylors, of which he was a member. For the Tunbridge Fellowship he gives, as a motive, his love for Sir Andrew Judde, Founder of that School. For his

Ibid., p. 353.

ST. JOHN'S COLLEGE.

preference of his own kin, he quotes the usual text from St. Paul, cited by other Founders.

Evidence of Dr. Hessey, p. 349.

The Founder's kin are to become actual Fellows on their election. The others are to be Scholars or Probationary Fellows for the space of three years, at the end of which time, if the President and Fellows are satisfied, they are to be admitted actual Fellows.

Evidence of Prof. Browne, p. 342.

OMMONERS,

Twelve, or at most sixteen, Commoners are to be received by the College, and to share the accommodation of the Fellows.

Evidence of Mr. Rew, p. 352.

The Visitor is the Bishop of Winchester.

EXHIBITIONS.

"Besides the Fellowships there are eight Exhibitions (not reckoning a few "inconsiderable ones) connected with Merchant Taylors', which must be held "by independent members of St. John's, viz., six (Dr. Andrew's Civil Law "Scholarships) of 58*l.* a-year each for twelve years, provided the Student "continues in residence and does not take orders, and one (Dr. Stewart's "Exhibition) of 50*l.* a-year for eight years, provided the Student continues in "residence. These seven are in the gift of the Court of the Merchant Taylors' "Company, 'with the assent and consent' of the President and two Senior "Fellows. The eighth, called the School Exhibition, of about 50*l.* a-year for "five years, is in the gift of the President of St. John's and the Master of the "School. All eight are given to those boys who are superannuated for "Scholarships."

Evidence of Mr. Rew, p. 353.

BIBLE CLERK.

There is a Bible Clerk, whose stipend is formed from the union of two Bible Clerkships. He is elected by examination.

Evidence of Mr. Stoddart, p. 355.

CHOIR.

The funds left by the Founder for the support of the Choir being found insufficient, the College was discharged by the Visitor from the duty of maintaining it. The present choir is of more recent foundation, and is supported by a bequest of Sir William Paddie, M.D., who died in 1634.

Evidence of Dr. Hessey, pp. 346, 347.

NUMBERS.

There were in 1851 sixty-three Undergraduates in the College, of whom fifty-four were Commoners. The total number of names on the College books was three hundred and forty-five.

ADVOWSONS.

Thirty benefices are in the gift of the College.

TUTORS.

There are three Tutors in the College, and (as it would seem) two Lecturers in Logic and Natural Philosophy.

Evidence of Mr. Stoddart, p. 355.

BATTELS.

The average amount of battels is about 66*l.* a-year.

Ibid., p. 356.

PRESENT CONDITION OF THE COLLEGE, AS TO OBSERVANCE OF STATUTES.

In the present day, we are informed that the Discipline and Study prescribed by the Statutes is, as is usual in other Colleges, set aside. "I have "never known," says Mr. Rew, "residence enforced on any Fellows above the "Degree of B.A.; and in 1830 or thereabouts, the inexpediency of com- "pelling Bachelors to reside was so strongly felt, that on a representation of "the matter to the Visitor, the non-residence of Bachelors was allowed." "Few "of the Fellows," says Professor Browne, "are resident, except those who hold "College offices." All the Fellows but one are bound by Statute to enter into Holy Orders; but "there is no instance, traditionary or recorded, of any 'of "'the twelve' Law Fellows being obliged to take Orders." "Certain eccle- "siastical ceremonies," says Dr. Hessey, "which are prescribed, are unlawful "by Act of Parliament. . . . . In consequence of the intromission or altera- "tion of certain University exercises, it has become inexpedient to retain the "exact course of subjects, or the exact exercises which the Statutes provide. ". . . . The alteration of national manners and habits has rendered a literal "observance of certain original regulations absurd, such as those which enjoin "that the Scholars should walk out two and two together, or those which "make a Scholar and Fellow live in 'eodem cubiculo,' and the former in "return for instruction given him 'servire socio in omnibus licitis et honestis.'"

Evidence, p. 341.

Evidence, p. 346.

The restrictions and modes of election as usual have been for the most part maintained. But in some important respects they have been limited beyond the intent of the Statutes. The desire which the Founder expresses to embrace in his bounty all the schools of the City of London has never been realised. There has never (so at least Dr. Hessey's words seem to imply) occurred an election to St. John's of any but a Scholar from Merchant Taylors' School to one of the thirty-seven Fellowships.

Evidence, p. 349.

MEASURES REQUIRED.

Professor Browne and Mr. Rew speak in strong language against the restriction of Fellowships to the Founder's kin, and to the schools of Coventry, Bristol, Reading, and Tunbridge. But they express a desire to maintain the connexion

Evidence, pp. 7, 354.

with Merchant Taylors' School, on the ground that it is beneficial to that institution, and that the College, principally through the Fellows thus elected, obtains its full share of academical honours. Of these Dr. Hessey, the present Head Master of Merchant Taylors' School, has furnished us with a list of persons thus distinguished, extending from 1840 to 1851.

Evidence, pp. 349, 350.

We have already observed that there is a distinction to be drawn between the connexion of St. John's College with Merchant Taylors' School, and that of New College with Winchester. In this respect Sir Thomas White made some important and beneficial deviations from the example of Wykeham. The admixture of Fellows elected from other schools, however limited, and the admission of Commoners from all Schools numbering four or five times as many as the Merchant Taylor Undergraduates, diminish the evils caused by the exclusive predominance of one School. The election of the Fellows from the whole School, opens a wider field than is possessed by the electors of Winchester.

Still the evils, to which all restrictions give birth, are not removed even by these improvements; and the transfer of the habits and feelings of a school, tends to produce in St. John's College the same mischievous results as those to which we have already alluded in our account of New College.

We have already stated our recommendations so fully on this head in our general Report on the Colleges, that we need not here repeat them. We have further to recommend that the oath of the President and Fellows should be declared illegal; and that they should be released from the obligation of perpetual residence, of proceeding to the higher Degrees, of taking Holy Orders, and of observing many other regulations which have long been set aside in practice.

Report, p. 176.

JESUS COLLEGE.

JESUS COLLEGE.

This College has given us no information respecting its corporate Revenues. We have received, however, full Evidence from one of the Tutors, Mr. Foulkes, and we have procured a copy of the Statutes and other documents relating to the College from the British Museum, which we have caused to be printed.

FOUNDATION.

In 1571, Queen Elizabeth, at the petition of Dr. Hugh Ap-Rice, or Price, granted a Charter for the Foundation of Jesus College, in which there were to be a Principal, eight Fellows, and eight Scholars. These, in the first instance, "according to Dr. Price's mind," were appointed by the Queen herself. It was established "for the learning of the Sciences, Philosophy, good Arts, and the "knowledge of the Latin, Greek, and Hebrew languages, for the final profession "of Sacred Theology." This Society remained without any Statutes till 1622, when Sir Eubule Thelwall, the Principal, applied to King James I. for a new Charter, by which four Commissioners were appointed to make a Code of Statutes, which still governs the College.

Wood's Colleges and Halls, p. 569.

PECULIARITIES OF THE COLLEGE.

Wood's Colleges and Halls, p. 570.

In this Code there were special provisions to meet the actual emergencies of the College. The number of Fellows on the original Foundation had dwindled away from eight Fellows down to two or three; and the object of Thelwall was partly to raise the value of the Fellowships, partly to make provisions for the future increase of the Foundation. Sixteen Fellows and sixteen Scholars were appointed; but it was not intended to limit the Foundation to this number. Arrangements were made for the proper distribution of the salaries of previous benefactors. Further benefactions were to be received up to the amount of 600*l.*, or to a larger amount, with the sanction of the Crown, provided that the conditions were not contrary to the Bible, to the laws of the land, to the donations of previous benefactors, or to the Statutes; and the benefactors were to be specially commemorated. One-third of the income was to be set aside for emergencies. If the revenues diminished, the number of the Foundation was still to be maintained by Honorary Fellows.

Statutes—
c. 1.
c. 7.
c. 19.
c. 7.
c. 31.

This was the first Protestant College, and in its Statutes the Protestant religion was asserted and guarded by many enactments. The Principal and Fellows were to swear that they would prefer the authority of Scripture to the judgment of men; that they would seek the rule and sum of faith only out of the Scriptures; and that they held the Royal authority not to be subject to the jurisdiction of foreign Bishops. An elaborate system of services was prescribed. There were to be daily prayers between 5 and 6 A.M., at which all were required to be present, under pain of fines or whipping. From these penalties none but Graduates in Divinity were exempt. These two services were not to consist of the Liturgical forms, but a short form peculiarly adapted to the use of the College was to be used. There was also to be a service, apparently from the Liturgy, on Sundays and Festivals, between 8 A.M. and 9 A.M., and between 4 P.M. and 5 P.M., under the same penalties, and one daily at 9 P.M., at which all were to attend, under pain of fines, discommoning, and expulsion. All members of the College were to accompany the Principal or Vice-Principal to the University sermons and University prayers. All Bachelors of Arts and Undergraduates were enjoined to say the Lord's Prayer and the second Collect every morning, and a special Collect every evening. Particular forms of grace at meals were also provided. Explanations of the Catechism or of the Thirty-nine Articles were to be delivered in English every Thursday at 6 A.M. in Chapel.

c. 1.
c. 3.
c. 6.
c. 12.
c. 12.
c. 16.

GENERAL CONDITION OF THE COLLEGE, ACCORDING TO THE STATUTES.

The general regulations bear a strong resemblance to those of New College and Brasenose. The Principal must be at least of the Degree of M.A., thirty years of age, of good character and knowledge, and unmarried. There is no provision for his being in Holy Orders. The Fellows, at the time of their election, must be between seventeen and twenty-six, and must take Priest's Orders in seven years from the Degree of M.A.

c. 2.
c. 5.
c. 6.

If a fit man (idoneus) was found amongst the Scholars of the College he was to be elected; if not, any M.A. or B.A. chosen from the most apt and able

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in knowledge and conduct who could be found in the College or the University. No mention was made of birthplace or parentage, but the electors were enjoined to have regard to the ordinances of benefactors who had endowed Fellowships or Scholarships. The Fellows were not to have more than 10*l.* at the time of their election. They were to receive 20*l.* yearly. There is a special ordinance against dividing the fines amongst the Fellows, or exacting them too severely. Fellowships were to be vacated by property above 10*l.* a year, unless it arose from academical sources, by absence from England without permission, by marriage, by absence of sixty days without special cause, or by grave moral offences. The Principal might have property of any amount compatible with a discharge of his statutable duties. He was to receive 40*l.* yearly. The Scholars were to receive 10*l.* yearly, with liveries to be given four times a year. The Principal was empowered to receive "Commoners," who (so far as we are able to ascertain) are first mentioned in the Statutes of this College. These Commoners were to be admitted to dine at the table of the Principal, the Fellows, or the Scholars, paying respectively the weekly sums of 5*s.*, of 3*s.* 4*d.*, and of 2*s.* They were each to have one of the Fellows or Scholars as their Guardian or Tutor, who was to be surety for them. Poor Scholars, under the name of "Battellers," were to be admitted on the payment of caution money. All Undergraduates above the age of sixteen were to swear obedience to the Statutes. The officers were to be Vice-Principal, Bursar, and Prælectors of Philosophy and Logic; each of these was to receive forty shillings a year. The cook, the butler, and the porter were to be unmarried.

Statutes—
c. 6.
c. 5.
c. 20.
c. 30.
c. 7.
c. 14.
c. 8.
c. 9.
c. 10.
c. 11.
c. 32.

The studies of the College were to be conducted by the Prælectors. The Censor of Philosophy was to lecture thrice a week at 7 A.M. on the Physical works of Aristotle; the Prælector of Logic on the Logical works of Aristotle at 6 A.M. Daily Disputations were to take place in Hall at 10 A.M. and 4 P.M. Bachelors of Arts were to declaim and dispute, after supper, on pain of fine or whipping; Bachelors of Divinity and Masters of Arts to dispute once a fortnight from 6 to 8 A.M., and at these disputations all Undergraduates were to be present on pain of fines or whipping.

c. 11.
c. 15.

The Principal was never, except with permission of the Fellows, to be absent for more than one month in Term, or three months in the Long Vacation; the Fellows, except with permission of the Principal, never for more than two months in the year, or forty days in the Long Vacation. The regulations for enforcing order and study are nearly the same in these Statutes as those of Brasenose. In both Colleges fines were imposed for breaches of the peace amongst the Fellows by blows with fist, hand, foot, or stick, with or without bloodshed; and, in cases of doubtful accusations, compurgation was allowed; games at cards (except on Christmas-day), tallies and dice, dogs, birds, musical instruments, and arms offensive or defensive were forbidden. The ancient provision is still made for leprous Fellows. The Bible was to be read in Hall at dinner. No one was to loiter in Hall, or walk about in College, under pain of fine or whipping. All Bachelors of Arts were to speak Latin, Greek, or (which is peculiar to this College) Hebrew, within the College precincts. All Undergraduates were to go bareheaded in the presence of the College officers; long hair and cloaks were forbidden. The Fellows and Scholars are enjoined in University elections to prefer a Candidate of their own College, and one who is a Fellow to one who is not.

c. 4.
c. 25.
c. 25, 31.
c. 26.
c. 25.
c. 13.
c. 17.
c. 27.

The Visitor was to be the then Chancellor of the University, the Earl of Pembroke, and after him his heirs male in after times, or (in case of their illness, crime, or minority) the Lord Chancellor. His powers are not defined, but they are limited by the oath of the Principal. The Principal is sworn "inviolably "to observe all and singular of these Statutes, according to their plain, literal, "and grammatical sense, to obey interpretations on doubtful points by the "Visitor, and never to obtain a dispensation against his aforesaid oaths, or "against the Statutes of the College." After this follows an oath that he is not and will not be married. With exception of this last oath, and with the addition that "if any dispensation be obtained or offered, under whosesoever "authority, or under whatever form of words it be granted, they will in nowise "use it," the oath of the Fellows resembles that of the Principal.

c. 34.
c. 3.
c. 6.

BENEFACTIONS TO THE COLLEGE.

The Benefactions to the College appear to have been as follows. A Fellowship for the kindred of Dr. Lloyd, "and no other," was founded in 1586; two for the kindred of Dr. Westphaling, 1602; two for the Schools of Bangor and

Wood's Colleges and Halls, p. 572.

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Beaumaris, with a preference to the kindred of Dr. Rowlands, 1609; one for the kindred of Owen Wood; two Scholarships for natives of Carmarthenshire, 1616; one Scholarship for natives of the diocese of St. Asaph, with a preference to the kindred of Dr. Parry, 1622. These were all that existed at the time of the new Charter, so that at that period only eight out of the sixteen Fellowships were confined, and that not so much to localities as to kindred. In 1623 a Fellowship was founded and confined by Act of Parliament to natives of Abergavenny, with preference to the kindred of Richard ap David ap Howell Vaughan; in 1625, one Fellowship for a native of Wales, to be nominated by the heirs of Owen Lloyd; in 1629, one Scholarship and one Fellowship for natives of Denbighshire and Carmarthenshire; in 1629, one open Fellowship; in 1630, two Fellowships and two Scholarships for natives of Glamorganshire, Brecknockshire, and Radnorshire; one Fellowship, about the same time, by King Charles I. for natives of the Channel Islands; one for the natives of Cardiganshire, Carmarthenshire, and Pembrokeshire; two, in 1648, for the kindred of Gwynne, or natives of Anglesea; two, in 1661, for persons expert in the Welsh language.

Wood's Colleges and Halls, p. 573.

Evidence of Mr. Foulkes, p. 359.

The whole arrangement of these Foundations was set on a new footing in 1685, by the will of Sir Leoline Jenkyns, who, besides adding considerable endowments to the College, set forth a scheme "to show to what dioceses, "county, town, place, or family, each by the disposition of the respective "Founders doth or ought of right to belong; and in case there be any of these "places that are not already so asserted and fixed by the particular donors, then "to set forth how and to what dioceses, counties, and places they may by the "King's Majesty's authority as Royal Founder, succeeding in the right of our "first foundress Queen Elizabeth, of famous memory, be asserted and appro-"priated (in their judgments) with strict regard to the dispositions of the "particular benefactors respectively, and with most advantage to the peace of "the said College." This scheme was drawn out by way of indenture in 1685 between the College on the one hand, and the executors of Sir Leoline Jenkyns on the other, and confirmed by Letters Patent of King James II., and it is upon this scheme that the present Foundations rest. He added two new Fellows, who were to be elected from Cowbridge School, and to be employed in preaching the Gospel in the Colonies, and to be excepted from the observance of the Statutes.

Ibid. p. 359, 360.

Ibid. p 359.

The result of this arrangement is that all the Fellowships, Scholarships, and Exhibitions are confined. One Fellowship and two Scholarships are confined to England; one Fellowship to Jersey and Guernsey; one to North and South Wales alternately; two Fellowships and two Scholarships to Cowbridge School (of which the Fellowships are appropriated by Statute to missionaries); seven Fellowships and Scholarships to North Wales, and seven Fellowships and Scholarships to South Wales, of which some are more closely confined than others to dioceses, schools, towns, and families.

PRESENT CONDITION OF THE COLLEGE.

We now proceed to describe the present state of the College. The Principal and Fellows, besides the old statutable maintenance allotted to them of 20*l.* and 10*l.* a year respectively, divide between them the surplus of the whole estate of Sir Leoline Jenkyns (after all other charges have been deducted), which is understood to be very considerable. This division is made in virtue of a decree of the Court of Chancery, given by Lord Chancellor Jeffreys. This decree appears to be inconsistent as well with the Statutes, as with the Will of Sir Leoline Jenkyns, which directs that the Scholars shall have a stipend amounting to half the stipend of the Fellows. This may be seen in a Resolution of the Society, which we have procured from the British Museum, and caused to be printed amongst the documents relating to this College. The Scholars, however, share what is called residence money with the Fellows.

4 Jac. II.

Evidence, p. 359.

The Principal is now married. "It was," says Mr. Foulkes, "the position "of the oath doubtless that gave colour to the idea that it might be left open "to future dispensation—and accordingly on the election of Dr. Hoare to the "Headship, the Visitor, Lord Pembroke, decreed that it might be omitted at "his admission, and that of all future Principals." This decree superseded what is expressly laid down as one of the statutable qualifications for the Headship. The Fellows are not allowed to marry, but there is nothing in the Statutes to hinder the election of a married man. The cook, porter, and butler, who are required to be single, have obtained the same dispensation, though not by the same authority as the Principal. The disqualifying estate is

Ibid. p. 361.

Ibid. p. 359.

Ibid. p. 361.

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now raised by the Visitor's decrees from 10*l.* to 100*l.* in landed property. The Fellows are not obliged to proceed to the higher degrees of D.D. Leave of absence is little more than a mere form, and absence may be had, if required, for life. Eleven Fellows are now non-resident. Two, however, are by the regulations of their peculiar Foundation, forbidden to reside. Disputations have ceased. The Statutes are not publicly read. The Chapel services are now performed twice a-day; and attendance at them, and at the University sermons, has ceased to be rigidly enforced. Evidence, p. 358.

Some changes have been effected in the College since the imposition of the Statutes, by the will of Sir Leoline Jenkyns. The resources of the College were for the first time made worthy of the original foundation, and the provisional character of the institution so strongly marked in the Statutes, came to an end; but on the other hand, the whole College was placed henceforward in the anomalous condition of being subject to the regulations of one code, and yet continuing to be sworn solemnly and emphatically to the observance of another.

NUMBERS.

The number of Fellows is now nineteen; the number of Scholars eighteen. In 1851 there were forty Undergraduate Commoners. The total number of names on the College books was one hundred and fifty-one.

There have been no Battellers in the College for about fifty years. Evidence, p. 362.

There are now three Bible Clerks.

TUTORS.

There are three Tutors, and a Mathematical assistant Tutor, and a Catechetical Lecturer.

BATTELS. Evidence, p. 363.

The Battels of the Commoners (including tuition and all other College dues) range between 50*l.* and 80*l.* a year. A full statement of the economical arrangements of the College is given in the Evidence.

ADVOWSONS.

There are twenty Benefices in the gift of the College.

RECOMMENDATIONS.

With regard to the general condition of the College, the same principle must be applied as in other cases, and here with less difficulty than in most cases, as the existing Statutes emanated from Royal Commissioners.

We are of opinion that the oaths of the President and Fellows should be prohibited.

That the President should be permitted to marry; that the President and Fellows should be permitted to divide the fines; that they should be released from the obligation to take Orders, from that of proceeding to the higher Degrees, from the necessity of vacating their Fellowships on coming into possession of 10*l.* a-year, as also from that of speaking Latin, Greek, or Hebrew, from that of perpetual residence, and from many other obsolete observances.

We are further of opinion that the connexion between the Scholarships and Fellowships should be severed; that the Scholarships and Exhibitions should be tenable for five years; and that the College should be empowered to suppress five Fellowships for increasing the number, and if they do not now amount to 50*l.* per annum, the value of the Scholarships.

The local restrictions of this College are in some respects peculiar. The result of the numerous limitations of the Benefactions before and since the Statutes were imposed, has been the almost entire closing of a College which on the face of its Statutes presents no restrictions whatever. Whether the original Founder had any intention of confining his College to Wales is difficult to ascertain. No such intention is expressed in the Charter granted at his request by Queen Elizabeth; and of the eight Fellows and eight Scholars appointed in the first instance by that Sovereign, two certainly (Andrewes and Dove), and probably (to judge by their names) the larger part were not of Welsh extraction. The great interference with Founders' wills effected by the scheme of Sir Leoline Jenkyns, on the ground of general expediency, also furnishes a precedent for any plan for a more beneficial distribution of the endowments than has hitherto been made. We have therefore no hesitation in applying to this College the principle which we have laid down in our General Report, and in recommending that the Fellowships should be thrown open, without restriction of age, birthplace, or parentage, to all Bachelors of Arts. Wood's Colleges and Halls, p. 569.

We are assured by Mr. Foulkes that the present limitations "operate unfavourably for the most part, not only on the College, but on the Schools in Wales to which the Foundations are more or less directly attached." At the same time, when we consider the peculiar circumstances of the Princi- Evidence, p. 360.

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Report, p. 177.

pality of Wales, we feel, as we have already stated, that for the present at least it offers an exception to the rule which we have laid down for the entire abolition of local limitations. We shall therefore propose to throw open the Fellowships of the College, but to retain the connexion of one half of the Scholarships with Wales; provided, however, that the Foundations so restricted shall be open, not as now, only to particular counties, schools, or families, but to the whole Principality.

WADHAM COLLEGE.

This College has given us no information as to its revenues, and we have been unable to procure a copy of its Statutes. We have, however, received Evidence from two of its Tutors.

FOUNDATION.

In the year 1610 King James the First issued a licence to Dorothy Wadham, widow of Nicholas Wadham, Esq., to found "a College of Divinity, Civil and "Canon Law, Physic, good Arts and Sciences, and the Tongues." Dorothy Wadham was, however, only acting, with the assistance of certain feoffees in trust, as executrix of the last will of her deceased husband, who had projected the Foundation. She purchased the site and ruins of the Priory of the Austin Friars, in the northern suburbs of Oxford, and completed the present fabric for the reception of the Society, consisting as now of a Warden, fifteen Fellows, fifteen Scholars, and two Chaplains. The Foundress issued in 1612 the body of Statutes by which the Society is now governed.

Wood's Colleges and Halls, p. 593.

THE WARDEN.

The Warden is to be a Master of Arts at least, born in Great Britain, and no Bishop. Being bound to proceed to the degree of Doctor of Divinity, he must be at the time of his election, or must afterwards become, a clergyman. By an injunction of Mrs. Wadham, the Warden was forbidden to marry; but an Act of Parliament removing that prohibition was procured during the administration of the late Warden, Dr. Tournay, who however never availed himself of the permission. We have no means of learning what the salary is assigned to the Warden under the Statutes. At present his income is said to be about 1,100*l.* a-year, and he inhabits a part of the College set apart for his residence. The Warden claims the power of determining what subjects shall be discussed at College meetings. Eight of the Fellows of the College have sent us a statement, to the effect that neither the letter which we addressed to the College respecting their revenues, nor the matter it touched, were ever brought before them.

Evidence, p. 368.

THE FELLOWS.

There are fifteen Fellowships; three for the kindred of Nicholas Wadham. The Fellows are not bound to take holy orders, and may graduate in what Faculty they please. The tenure of their Fellowships is limited. It terminates when they have completed the eighteenth year from their Regency, so that a Fellowship can be held practically for about twenty-two years. The Fellows are bound to residence, forty days a year excepted, but four only reside. Nine were in 1850 in holy orders, five were laymen and one Fellowship was vacant. The Fellows must be elected out of the Scholars. Till lately the Scholars succeeded to Fellowships, according to seniority; but some of them have been passed over in recent elections, and it is understood that the Society intends that hereafter the choice shall be determined solely by the merit of the Candidates. The present value of a Fellowship at Wadham is supposed to be about one hundred and sixty pounds a year.

Evidence, p. 369.

Respecting the Chaplains we have no information to offer.

THE CHAPLAINS.

THE SCHOLARS.

There are in Wadham College fifteen Scholarships. Three of the Scholars are to be of the county of Essex, three of the county of Somerset, and three of the Founder's kindred; the remaining six must be natives of some county of Great Britain. They may, if not elected Fellows, continue to retain their Scholarships for a considerable time from their Master's degree. The Scholarships are supposed to be of the value of about fifty pounds a year.

SUBSEQUENT BEQUESTS.

There are no engrafted Foundations in this College. It appears that its numbers are fixed by the Charter of Incorporation. The College is, however, intrusted with a certain number of Exhibitions: two for superannuated Fellows, one of ninety pounds a year as a Medical Exhibition to a Fellow, and one of eighteen pounds a year as a Medical Exhibition to a Scholar. These Exhibitions are seldom claimed, and the proceeds are thrown into the general funds of the College. There are also two Law Exhibitions of similaramo unt, for a Law Fellow and a Law Scholar respectively. The College possesses a considerable

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number of Exhibitions for Undergraduates. These are for the most part used as rewards for young men of good conduct.

COMMONERS.

There were in this College, according to the Calendar for 1851, seventy-one Commoners and eighty-four Undergraduates in all.

NUMBER OF MEMBERS ON THE BOOKS.

The total number of members of the College was three hundred and twenty-seven.

STUDIES.

There is nothing peculiar in the Studies of this College. The Warden takes a part in the Theological Instruction of the Students. There are three Tutors and a Mathematical Lecturer. Though there is a strong desire in this College to obtain the best Scholars, and its Scholarships are considered good, the limitations imposed prevent it from occupying a position like that of Balliol or Trinity.

ADVOWSONS.

The College has ten benefices in its gift, most of which are recent purchases.

VISITOR.

The Bishop of Bath and Wells is the Visitor of this College. He cannot exercise his corrective powers by a personal visitation more than once in five years, unless he be called on by the Society.

MEASURES REQUIRED.

The great peculiarity of the College is that the tenure of the Fellowship is limited. We have expressed our opinion that we are not desirous that such a limitation should be imposed generally; but we should be equally indisposed to see it removed where it exists, unless the College should think right to remove it. We are of opinion, therefore, that all that is required in this matter is that the Warden and Fellows should be permitted to make, with the sanction of their Visitor, such regulations on the subject as they may think most conducive to the welfare of their Society. We have nothing further to recommend with regard to the College than we have recommended for the Colleges generally, namely, that the Fellowships and Scholarships should be thrown entirely open; that the connexion between the Scholarships and Fellowships should be severed; that Scholarships and Exhibitions should be held for five years only; that the Statutes should be revised, and that all oaths to observe them should be declared to be unlawful.

PEMBROKE COLLEGE.

From this College we have received full information as to its constitution, discipline, studies, and revenues. The Statutes are printed from the copy in the College archives.

FOUNDATION.

Broadgates Hall, which had long been a nursery for Students in Canon and Civil Law, belonging in part to St. Frydeswyde's Priory, and in part to the Monastery of Abingdon, was, on the dissolution of religious houses, given by King Henry VIII. to his College of Christ Church; and, in consequence, survived the general ruin of the ancient academical Halls, and continued to be a House of learning, under its old appellation, till the twenty-second year of the reign of King James I., when it was constituted a College by that monarch at the costs and charges of Thomas Tesdale, Esq., and Richard Wightwick, B.D.

Wood's Colleges and Halls, p. 616.

Mr. Tesdale, who died in 1610, had, by his will, bequeathed 5,000*l.* to purchase lands for the support of Fellows and Scholars, to be elected from the free-school in Abingdon into any College in the University of Oxford. His trustees negociated with Balliol College "for the settlement of Mr. Tesdale's "Foundation in that county; but that design not taking effect, they, with the "promise of the charity of Mr. Richard Wightwick, who also had intentions "to found Fellowships and Scholarships in some Colleges in Oxford, deter-"mined to found a new College in Broadgates Hall."

The consent of William Earl of Pembroke, Chancellor of the University, and in that capacity entitled to nominate the Principal of the Hall, having been granted, a charter was obtained in 1629 from King James I., by which he constituted in Broadgates Hall a "perpetual College of Divinity, Civil and "Canon Law, Arts, Medicine, and other sciences; to consist of a Master, ten "Fellows, and ten Graduate or Non-Graduate Scholars, or more or less, "according to the Statutes of the said College to be made."

THE STATUTES.

The Charter empowered a body of six Commissioners, or any four of them, to draw up a body of Statutes for the new College. They were published four years afterwards. This code is still in force. The Statutes are to be interpreted in their plain, literal, and grammatical sense; the Society having only the power of making bye-laws, with the consent of the Visitor.

THE MASTER.

The Master is to be a member of the Church of England, thirty years of age, a Graduate in the superior faculties, or a Master of Arts at least. He is to be chosen from among those who are or have been Fellows; but, with the consent of the Visitor, a suitable person may be sought in Balliol College first, then in University College, and, in default of an eligible candidate from those Societies, in the whole University. He is to be elected by the Fellows, the Vice-Gerent, or, in his absence, the Senior Fellow present, having a casting voice. The Master is removable for various offences, waste of the College property, or causing to be elected unfit persons as Fellows and Scholars.

He is to have for his stipend twenty pounds a-year from the revenues of Mr. Tesdale, and ten pounds a-year from the revenues of Mr. Wightwick, in addition to the advantages, profits, and emoluments arising from the rent of rooms, admissions, fees, and all other perquisites to which the Principal of Broadgates Hall was entitled. The first Head was a layman. But Queen Anne having annexed a canonry in Gloucester Cathedral to the Headship, it became necessary that all Masters of Pembroke College thenceforth should be clergymen. The present income of the Master is returned by the College at 860*l.*, independently of the emoluments of his canonry, which averages somewhat more than 500*l.* per annum. He has a commodious residence adjoining the College.

THE FELLOWS.

The original number of Fellowships was ten. Of these, seven are on Mr. Tesdale's Foundation; four of them are to be of his kindred; and all must be chosen out of those who are or have, within three years, been Scholars. They must be Bachelors or Masters of Arts, unmarried, needing support, and sufficient in learning. They are elected by the Master and the Fellows of Tesdale's

PEMBROKE COLLEGE.

Foundation, the Master having two votes. They are bound to study Theology, to take Orders within three years from their election, and to resign their Fellowships if they come into possession of a certain income of forty pounds a-year, or a benefice at a distance from the University, or marry. Their emoluments are to be twenty pounds a-year. The Fellowships are to remain vacant if no candidate qualified according to the Statute, appears; and the profits of the vacancy are to be applied to the use of the College generally, or the private use of the Master and Fellows, if the latter shall think fit.

MR. WIGHTWICK'S FELLOWS.

There are three Fellowships on the Foundation of Mr. Wightwick. Two of these must be filled up by persons of his name or kindred. When a Fellowship on these Foundations becomes vacant, the Senior Scholar is at once to be admitted into it. The emoluments of the Fellows on these Foundations are also to be twenty pounds a-year. They must proceed to the Degree of B.D. within twenty years from the Master's Degree, and resign their Fellowships in the event of their obtaining a benefice with cure of souls, or a temporal income exceeding ten pounds a-year. They must take orders within four years from their Master's Degree.

The Fellows are not allowed to sleep out of Oxford without the Master's permission; and when absent they are, by Archbishop Laud's determination, to forfeit three shillings a-week.

INGRAFTED FELLOWSHIPS.

Ten Fellowships have been added to the original Foundation.

KING CHARLES'S FELLOWS.

One, in 1636, by King Charles I., for natives of Jersey or Guernsey in turns. These Fellows are nominated by the Dean and Jurats of these islands respectively. The Fellow is bound to return to his native island, if adequate Church preferment be offered him there.

SIR JOHN BENET'S FELLOWS.

Two by Sir John Benet, in 1672, for persons not eligible into the original Foundations.

SIR JOHN PHILLIPS'S FELLOWS.

One by Sir John Phillips, in 1749, for natives of Pembrokeshire, and, in default of such, for natives of any county in South Wales. The Fellow on this Foundation is excluded from the office of Master, and from that of Bursar, and also from the Rectory of St. Aldate's, which is in the gift of the College, and must accept the perpetual curacies of West Haroldston and Lambton, in Pembrokeshire, when they become vacant, or lose his Fellowship. The Scholar on the same Foundation is to succeed.

FRANCIS WIGHTWICK'S FELLOWS.

In the year 1843 the Society became possessed of certain estates, bequeathed to it in 1775, by Francis Wightwick, Esq., in case his nephew should die without issue, with a view to the Foundation of four Fellowships and three Scholarships. This Foundation is to be assimilated to that of Richard Wightwick; but a preference only is to be given to candidates of his kindred; while in the older Foundation the restriction is absolute.

MRS. SHEPPARD'S FELLOWS.

In 1846, Mrs. Sophia Sheppard gave money in the funds for the Foundation of two Fellowships. They are open to all who have passed the Examinations required for the Degree of B.A. in the University of Oxford; but of the Fellows, one must become a barrister, and the other proceed, in due time, to the Degrees of Bachelor and Doctor in Medicine. They are not bound to residence, but they are to forfeit their Fellowships in case they come into property arising from land, of the value of 500*l.* a-year.

PRESENT STATE OF THE FELLOWSHIPS.

Owing to the vacancies which have long existed in Mr. Tesdale's Fellowships, from the impossibility of filling up four of them with persons of his kindred, the Fellowships on this Foundation produce to the holders about 154*l.* a-year, besides the rent of their rooms. One Tesdale Fellow only is resident. He holds the office of Bursar. Sir John Phillips' Fellow receives about 80*l.* a-year. Sir John Benet's Fellows, having been endowed with rent charges, receive little more than the original stipend, namely, 20*l.* a-year. But it is to these Foundations, which are comparatively open, that the College owes two of its Tutors. The Fellowships of Mr. F. Wightwick's foundation were to be of the value of forty pounds a-year only; but the estate having considerably increased in value since the death of the testator, the Society, with the consent of those Fellows who were to share in the surplus, made a decree, which was sanctioned by the Visitor, to raise the stipend of Mr. Francis Wightwick's Fellows to sixty pounds a-year, besides their share in the surplus. Two only of these Fellowships have as yet been filled up; the Fellows being elected only from the Scholars, and only two duly-qualified Scholars having presented themselves for election. Neither of these Fellows is resident. Mrs. Sheppard's Fellows are to receive about 170*l.* a-year from money in the funds. It is

hoped that the College will ultimately derive some assistance in the discharge of its duties as a place of education from this Foundation, inasmuch as the studies of the Sheppard Fellows will naturally be directed to the subjects which have lately become a part of the University course. PEMBROKE COLLEGE.

There are six Scholarships on Mr. Tesdale's Foundation. Of these, two must be filled from among the poorer kinsmen of Thomas Tesdale brought up in Abingdon School, if any such can be found there; if not, from among his poorer kinsmen, wheresoever educated. These two Scholars are, according to the Statutes, to receive 15*l.* a-year. Their emoluments, at present, are about 26*l.*, besides their rooms. But both the Scholarships, as well as three of his Fellowships, are now vacant, competent candidates rarely presenting themselves. The other four Scholars are to be taken from the poorer natives of Abingdon, with a preference to the six Charity Scholars of William Bennett brought up in Abingdon School; and, in default of such, from any of the Scholars of that school. They are to receive 12*l.* a-year for their support. Their emoluments are now about 27*l.* a-year. Archbishop Laud decreed that, in case no competent Scholars should present themselves, the College might elect out of any school in Berkshire. This was once attempted, but without success, there being but few schools in that county, and none having at that time suitable candidates to offer. These Scholars are to be elected by the Master of the College who has two votes, two of Mr. Tesdale's Fellows, the Master of Abingdon School, the Master of Christ's Hospital for poor persons in that city, and the two senior Governors of the same charity. None of Bennett's Scholars now present themselves as candidates; and it is very rare that natives of the town become competitors. The Scholars are generally youths from a distance, who board with the Masters of the School. The School has often been in a state of decay. Under such circumstances, it was usual for young men to spend a few months in the town, and in nominal attendance at it, for the purpose of being elected. A few good Scholars have thus been obtained by the College. MR. TESDALE'S SCHOLARS.

Two of Mr. Wightwick's Scholars must be of his name or kindred. The first person presented to the Master by one of his Kin-Fellows must be admitted, if, after examination by the Master and the two Fellows of Wightwick's kin, he is found suitable in manners and knowledge, and moderately instructed in grammar. The two others are to be chosen in Abingdon School, like Mr. Tesdale's Scholars, two of the Fellows on Mr. Wightwick's Foundation acting as electors. All these Scholars are to receive ten pounds a-year. The emoluments of the Kin-Scholars are now about 28*l.*, and those of the Non-kin-Scholars about 30*l.* a-year, besides their rooms. MR. WIGHTWICK'S SCHOLARS.

Sir John Benet's Scholars are to be of ten years' standing. Persons who are, or have been, eligible to the original Foundation are excluded; and a preference is to be given to members of the College. These Scholars are to receive ten pounds a-year. SIR JOHN BENET'S SCHOLARS.

Sir John Phillips's Scholar, like his Fellow, is to be a native of Pembrokeshire, and, in default of such, a native of South Wales. His stipend is about 40*l.* per annum. SIR JOHN PHILLIPS'S SCHOLARS.

Mr. Francis Wightwick's Scholars have emoluments amounting nearly to 40*l.* a-year. A preference is to be given to persons of the name or kindred of Richard Wightwick, but no candidates so qualified having offered themselves, the College has been enabled to throw open the Scholarships to competition. FRANCIS WIGHTWICK'S SCHOLARS.

There are in the College twenty-three Exhibitions, varying in value from 10*l.* to 52*l.* per annum; and in tenure from seven years to ten. They are for the most part confined; but some of them being open, in default of privileged candidates, the College is at times enabled to turn them to good account. EXHIBITIONS.

The number of Commoners on the books in 1851 was 70; and the total number of Undergraduates was 73; most of the Scholarships being filled by Graduates, or vacant. The independent members were educated at an average expense of 84*l.* per annum for the items which are entered in College Battells. COMMONERS.

The total number of members on the books was 205.

The College presents to eight benefices. Six of them have been purchased since the year 1812. TOTAL NUMBER OF MEMBERS ON THE BOOKS. ADVOWSONS.

We here subjoin the Return of the revenue of the College, and its application:— REVENUES.

PEMBROKE COLLEGE.

CORPORATE REVENUES.

	£.	s.	d.
Land at rack-rent	1,606	12	9
Rent charges	285	15	8
Tithe-rent charge	295	4	6
Money (interest)	584	14	8
Room rent	558	19	6
Decrements	135	0	0
Fees	25	0	0
Dues from the members, incidentals, and vacancies	707	18	9
Corporate revenues	£4,199	5	10

SPECIFIC APPLICATION OF THE CORPORATE REVENUES.

	£.	s.	d.	Total. £.	s.	d.
Head of the College	860	0	0	860	0	0
4 Tesdale Fellows, each (3 vacancies; 2 ditto of Scholars.)	154	0	0	616	0	0
1 King Charles's Fellow	154	0	0	154	0	0
Richard Wightwick, Kin-Fellow	95	7	0	95	7	0
Junior ditto	74	7	4	74	7	4
Ditto, Non-kin Fellow	74	0	0	74	0	0
2 Benet Fellows, each	20	0	0	40	0	0
2 Sheppard Fellows, each	169	0	0	338	0	0
1 Phillips Fellow	80	0	0	80	0	0
4 Francis Wightwick Fellows, each	70	0	0	280	0	0
4 Tesdale Non-kin Scholars, each	28	0	0	112	0	0
2 Wightwick Kin-Scholars, each	28	0	0	56	0	0
2 Wightwick Non-kin Scholars, each	30	0	0	60	0	0
3 Francis Wightwick Scholars, each	40	0	0	120	0	0
2 Benet Scholars, each	10	0	0	20	0	0
1 Phillips Scholar	40	0	0	40	0	0

	£.	s.	d.
Members on the Foundation	3,019	14	4
Common expenses— Fabric, library, officers, taxes, rates, charities, incidentals	1,179	10	6
	£4,199	5	10

There is but one small estate let on lease. The reserved rent is £11. 10*s.*, and the fine, taken every seven years, something under £100.

UNINCORPORATED SCHOLARSHIPS AND EXHIBITIONS.

	£.	s.	d.
Land	335	5	10
Rent charges	116	10	0
Money (interest)	91	14	8
	£543	10	6 Net.

APPLICATION.

	£.	s.	d.	£.	s.	d.
2 Rous Exhibitions (7 years), each	29	2	6	58	5	0
2 Cutler Boulter Exhibitions (7 years), each	36	8	0	72	16	0
5 Morley (10 years), each	9	14	0	48	10	10
1 Radcliffe	18	18	8	18	18	8
8 Townsend (8 years, if resident), 5 residents	52	0	0	260	0	0
2 Oades, senior	25	0	0	45	0	0
,, junior (4 years)	20	0	0			
2 Lady Holford (5 years), each	20	0	0	40	0	0
				£543	10	6

PEMBROKE COLLEGE.

STUDIES.

In the Statutes a very complete course of study is prescribed. It was to be carried on by a competent number of Lecturers, who, in some cases, might be called in from without. There was also to be a system of Exercises, under the superintendence of the Master and the Deans. No reference whatever is made to the Professors or the Schools of the University. All this has, of course, fallen into desuetude; and now the studies are like those of other Colleges, which we have often had occasion to describe, except that some attention has been lately paid to Civil Law. The Head takes a part in the instruction of the Undergraduates. There are in this College three Tutors; one of whom devotes his attention almost exclusively to the Mathematical Classes.

OATHS.

The oaths imposed by the Statutes of this College are simple, and as unobjectionable as promissory oaths to observe Statutes which may become obsolete can ever be.

VISITOR OF THE COLLEGE.

The Visitor of this College is the Chancellor of the University. He is empowered to resolve doubts and difficulties submitted to him by the Master and the majority of the Fellows, or by the Vice-Gerent and two-thirds of the Fellows, and to judge finally in all appeals. Decrees not repugnant to the fundamental Statutes may be made by the Master and Fellows, but not without the consent of the Visitor. In case the revenues of the College increase, the number of Fellows and Scholars may also be increased, but not without the sanction of the Visitor.

MEASURES REQUIRED.

The reforms required in this College are those which we have spoken of as needed in the Colleges generally.

We are of opinion that the oaths should be declared unlawful; and that the College should be released from the obligation of enforcing attendance at chapel twice a-day, and in the morning between 5 and 6; of inflicting small pecuniary fines for a large number of petty offences; of invariable attendance at all the University sermons; of reading the Bible in Latin at meals; of imposing on its Fellows the necessity of taking Holy Orders, and on some of them that of proceeding to the superior Degrees; of removing the Fellows and Scholars when their income exceeds ten pounds or forty pounds a-year, as the case may be; of having a definite number of servants, with definite duties; of observing certain regulations as to meals; of carrying out the prescribed system of Lectures; of requiring Exercises to be performed in the Hall by candidates for University Degrees; of voting for those candidates for University offices on whom the Master and the majority of Masters of Arts in the College shall have agreed; and of a considerable number of other injunctions which are unsuited to our times.

REDUCTION IN THE NUMBER OF THE FELLOWSHIPS.

We are of opinion, further, that the number of Fellowships should be reduced to ten; the revenues of this College not being sufficient to support a larger number; so as to leave to the College the prospect of obtaining its fair share of superior persons, in case the Colleges generally should be thrown open. That the number of the Scholars should remain such as it is now, and that the emoluments of each Scholar should be one-third of those of each Fellow. That the Master should receive an income not exceeding the average emoluments of the office, out of the general funds of the College, in lieu of all fees, room-rent, and other dues, which should be paid into the common fund of the Society. We are of opinion, also, that all the Fellowships should be thrown open, and put on the same footing as to rights, conditions of election, and emoluments, that all persons who have passed the Examinations requisite for the Degree of Bachelor of Arts should be eligible to them. That all the Scholarships should be thrown open, five excepted; to one of which annually youths brought up in Abingdon School would have a preference; but that, in default of candidates of sufficient merit from that school, the Scholarship should, for that year, be disposed of like the others, after a free competition.

We are further of opinion, that the liberal conditions on which Mrs. Sheppard's Fellowships, which are of very recent foundation, are held, should be left undisturbed, as well in regard of income as conditions and tenure. One of these will naturally be given to a person who has distinguished himself in Physical Science, and the other to some person eminent for his knowledge of the subjects which fall under the School of Law and History.

WORCESTER COLLEGE.

WORCESTER COLLEGE.

From this College we have received no Evidence; but a copy of the Statutes has been presented to us by a gentleman who had purchased them from a bookseller. We have caused it to be printed.

FOUNDATION.

Wood's Colleges and Halls, p. 629.

Worcester College was founded, like Trinity and St. John's, on the site of an ancient monastic College. This ancient institution was known by the name of Gloucester College, because it belonged to the Benedictine Monks of that city. On the dissolution of monasteries, Gloucester College passed through various hands before it was appropriated to its present purposes. First, it was seized by King Henry VIII.; then it was granted by him as a palace to the new Bishop of Oxford; in a few years it was conveyed back again by the

p. 631. Bishop to the Crown; next, it was granted by Queen Elizabeth to a private individual; then it was sold to Sir Thomas White, Founder of St. John's College, and became a Hall with a Principal and Scholars attached to that College, the Principal being always a Fellow of St. John's elected by the College and admitted by the Chancellor. During the Chancellorship of the Earl of Leicester, the admission by the Chancellor was changed into a nomination, and the connexion with St. John's College was broken. Lastly, in 1701, Sir Thomas Cookes, a Worcestershire Baronet, left by will the sum of 10,000*l.*,

p. 632. in the disposal of the Archbishop of Canterbury, the Bishops of Worcester, Oxford, Lichfield, and Gloucester, the Vice-Chancellor and Heads of Houses for the time being, to erect an ornamental pile of building, with Fellowships and Scholarships, or otherwise to endow some existing College or Hall with Fellowships and Scholarships. The sum accumulated to the amount of 15,000*l.*, and the Trustees having purchased Gloucester Hall (or St. John the Baptist's Hall), the Hall became a College, and was incorporated under the name of Worcester College, by Letters Patent of Queen Anne, July 14, 1714.

STATUTABLE CONSTITUTION OF THE COLLEGE.

c. 8. The Provost was to be appointed from the Fellows by the Chancellor of the University, who thus retained his patronage of the Hall. The Fellows were to be elected from the Scholars; the Scholars, from the schools of Bromsgrove or Feckenham, or, in default of fit and able candidates (apti, habiles et idonei) from the Cathedral School of Worcester, from the schools of Hartlebury or Kidderminster, or, these failing, from any school in Worcestershire; always, however, with a first preference to the Founder's kin, and a second to those who had been educated for two years in the schools founded by him. These Scholars are to be elected Fellows after four years, but they must undergo a previous examination. They are forbidden to marry, and must take Orders within four years from their Degree of M.A., and Priest's Orders a year after their first ordination, with the exception of two, who may study Medicine or Civil Law. The Fellowships are to be vacated by marriage, by property double the value of the Fellowship, or by a benefice, with or without cure of souls, if above the value of ten pounds in the King's Books.

c. 9. The elections and examinations of Scholars are to be conducted at the respective Schools, with the assistance of the Ministers in whose parishes the Schools are situated.

c. 14. The Provost is to have 80*l.* a-year, paid quarterly. The Fellows and Scholars are to have four-pence a-day for commons, two-pence a day for bread and drink; each Fellow receiving besides 30*l.* a-year, and each Scholar, 13*l.* 6*s.* 8*d.* If the revenues of the College decrease, these stipends are to be

c. 20. proportionally reduced. If there is any surplus after the payment of the stipends of the Fellows and those of the College officers, it is to be set aside for the repairs and public uses of the College; never to be applied to private uses.

c. 3. The College officers are, a Vice-Provost, a Dean, a Bursar, and Moderators.

c. 4. There are to be three College servants,—a Cook, a Butler, and a Porter; the

c. 5. first two are to have 8*l.*; the last 6*l.* a-year.

c. 6.

c. 15. Divine service, according to the Liturgy, is to be celebrated on Sundays,

c. 1. holidays, and the vigils, between 7 and 9 A.M., and between 4 and 5 P.M., except

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in winter, when it may be celebrated at 3 P.M. At these services all members of the College are to be present. On all other days, there is to be Divine service at 9 P.M., and the Litany is to be read on Wednesdays and Fridays between 10 and 11 A.M. Instead of the morning service there is to be a short form of prayer in Latin, according to the use of St. John's College, at 6 A.M., except in winter, when it may be read at 7 A.M.; and on Thursdays, when it may be read at 8 A.M.

c. 10. No member of the College may be absent without the permission of the Provost or Vice-Provost, or Senior Fellow. The Fellows are not to be absent for more than four continuous months, nor the Scholars for more than two continuous months, without "a great and just excuse," to be approved by the Provost and three Senior Fellows.

c. 11. The Fellows are not to sleep more than two in a room.

c. 13. Examinations, Declamations, and Disputations are to be required from Bachelors and Undergraduates, at which all members of the College are to be present; especially before the Responsions and Degrees.

c. 16. The College gates are to be shut before 10 P.M., and the keys given to the Provost or Vice-Provost.

c. 18.

c. 24. The Provost is charged with the care of enforcing the Statutes, which are once a-year to be read publicly, and a copy of which is to be exposed to public view in the Library.

c. 25. The Provost is to administer an oath to the Scholars and Fellows, to observe the Statutes and promote the advantage of the College.

c. 26. The Bishops of Worcester and Oxford, with the Vice-Chancellor, according to the Founder's express desire, are to visit the College.

We have given these provisions at some length, because, with the exception of a body of Statutes granted by King George II. to University College, this is the latest of the College Codes.

STATUTES OF THE FOUNDER.

It is remarkable that two previous Codes for this College had been drawn up by the Founder himself, of which one was incorporated into the original Charter of the College granted by King William III.; the other exists in MS. in the Bodleian Library. These Statutes, were superseded by the present Code, which was drawn up by the Trustees, notwithstanding that the Founder had reserved to himself alone the power of alteration. The older Statutes, on the whole, resemble those now in force, though with some important differences.

The Founder provided for the instruction of the Students, which is nowhere mentioned in the present Statutes. The six Senior Fellows were to be Tutors and Lecturers. The six Juniors were to associate on familiar terms with the better class of Students; to talk and walk with them, and to obtain influence over them. The Lectures were to extend over a wide range in Theology, History, Mathematics, Philosophy, Philology, Hebrew, Oriental Languages, Anatomy, Chemistry, Botany. The Liturgy was to be read in English, Latin, or Greek, according to the discretion of the Provost. The Eucharist was to be celebrated once a Term, besides the great festivals, and all above the age of fifteen were to attend. The Scriptures were to be read in Latin, Greek, or Hebrew. The Statutes were to be inviolable for ever.

According to the copy of these Statutes in the Bodleian Library, the Chancellor of the University is to be Visitor; but in those incorporated in the Charter of King William III., the Bishop of Worcester is to be Visitor, jointly with the Bishop of Oxford.

SUBSEQUENT BENEFACTIONS. Wood's Colleges and Halls, p. 633, 634.

Various benefactions have been left subsequently to the foundation of the College. Dr. Finney left two Fellowships of 40*l.*, and two Scholarships of 10*l* each, for natives of the moorlands of Staffordshire, or, in default of fit candidates, for natives of Staffordshire generally, and ultimately, for the diocese of Durham. Dr. Clarke left six Fellowships of 45*l.*, and three Scholarships of 25*l.* each, for natives of England. Mrs. Sarah Eaton left seven Fellowships and five Scholarships, for the sons of clergymen.

PRESENT CONDITION OF THE COLLEGE. NUMBERS.

The number of Fellows accordingly is twenty-one; the number of Scholars sixteen. There are three Exhibitioners and two Bible Clerks. In 1851 there were twenty-eight Undergraduate Commoners; eight Undergraduate Fellow-Commoners: the total number of names on the College Books was three hundred and twenty-eight.

TUTORS.

There are four Tutors, one of whom is at present not a Fellow; and one Divinity Lecturer.

ADVOWSONS.

There are nine benefices in the gift of the College.

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Of the value of the Provostship and the Fellowships we are ignorant. The Scholarships are stated in an advertisement inviting pupils to one of the Schools connected with the College, to be worth 45*l.* a-year with rooms.

We recommend that the oath of the Provost and Fellows be abolished, that they be released from the obligation of taking Orders, and from obedience to all obsolete Statutes, and that they be permitted to divide the surplus.

We are further of opinion that the Fellowships and Scholarships should be severed, that the Scholarships should be tenable for five years only; and that both be thrown open to competition: but that two Scholarships should be offered every year to the Schools of Worcestershire. We recommend also, that the Finney Fellowships should be amalgamated with the others, and that five Fellowships be suppressed in order to increase the number of Scholarships.

THE HALLS.

FIVE Halls now exist in the University of Oxford. They differ from the ancient Halls or Hostels, in that they are governed by a Principal not appointed by the Scholars, and have buildings of a generally Collegiate character. They differ from Colleges, in that they have no Charters, are not incorporated Societies, are subject to Statutes framed by the University, and have no endowments except their buildings, with a few Scholarships and Exhibitions which are held in trust by persons not necessarily connected with the Halls. In Academical matters, however, they enjoy nearly the same privileges as the Colleges. They are allowed to receive Undergraduates, and their emoluments are almost wholly derived from this source. The Principals are indeed subject to the authority of the Vice-Chancellor, but they have seats at the Hebdomadal Board, like the Heads of Colleges.

The present Halls are—

1. St. Mary Hall, which, in 1851, had fifty-two Undergraduate Members on the books.
2. Magdalene Hall, which, in 1851, had 108 Undergraduate Members on the books.
3. New Inn Hall, which, in 1851, had thirty-three Undergraduate Members on the books.
4. St. Alban Hall, which, in 1851, had seven Undergraduate Members.
5. St. Edmund Hall, which, in 1851, had twenty-three Undergraduate Members on the books.

The Principals of these Halls are appointed absolutely by the Chancellor, except the Principal of St. Edmund Hall, who is elected by the Society of Queen's College. Some of the Principals give instruction to their Undergraduates; but in all, except New Inn Hall, they are assisted by a Vice-Principal, chosen by themselves and paid out of the tuition money and dues.

From the Principals of Magdalene Hall, St. Alban Hall, and St. Edmund Hall, we have received Evidence. From the Principals of St. Mary Hall and New Inn Hall we have received none.

The Halls are governed by the Aularian Statutes, which were originally given in the Appendix to the Laudian Code, but were revised by the University in 1835. These Statutes have, however, since that revision, become, as the Principal of Magdalene Hall informs us, respecting his own society, "a dead letter." Each Hall is now "governed by the Principal at his own discretion, with a due sub- Evidence, p. 379.
"mission to the University Statutes," and, Dr. Macbride adds, "no others seem "to be required." We need not observe how fully this statement confirms what we have already said of the little need which exists for elaborate Statutes in Colleges.

Whatever other remarks we have to offer on the Halls have been already made in the body of our Report, and need not be repeated here. Report, pp. 24, 27, 33, 42.

CONCLUSION.

We have now gone through all the subjects proposed by Your Majesty for our consideration, and have given our opinions on each of them, as by the terms of our Commission was required of us. Our Report has run to a length greater than we expected. But, if we have employed many pages in giving an account of obsolete customs and laws, this has not been done merely for the purpose of recording curious facts or indulging in antiquarian research. The great aim and purpose of the Statutes, both of the University and of the Colleges, was to perpetuate what seemed expedient at the time of their enactment, by means of laws intended to be unalterable. If we look only to their Statutes, the Colleges of Oxford are now what they were in the times of the Plantagenets and Tudors; and, if the Laudian Code be binding, the University of Oxford is now what it was in the time of King Charles I. But, in fact, almost every distinct purpose and every particular object of the Founders, almost every detail of government and administration has been neglected or superseded. Therefore the peculiar character of the University and Colleges of Oxford made it necessary to give some account of their ancient condition, in order to show what their present condition would be, if the Statutes were still maintained. The contrariety between the state of things presumed by the Statutes, and that produced by the lapse of time could not be made clear without some inquiry into the ancient state of the several Academical bodies; and for this reason we have deemed it necessary to enter into such inquiries at some length. Our Report has also been swelled by the extent to which we have quoted Evidence. We have thought it necessary to do so, partly because of the excellence of the arguments which we have quoted; partly because we were anxious that the advocates of particular plans should be heard in their own words, especially when we were constrained to differ from them; partly because we wished to show that our opinions are supported to a great extent by the opinions of those who have communicated with us.

We will now sum up the chief recommendations which we have thought it our duty to lay before Your Majesty, with a view to restore the University and the Colleges to a sounder condition, and to render their great resources more serviceable to Education and to Learning.

STATE AND DISCIPLINE OF THE UNIVERSITY.

We are of opinion:—

1. That the University should receive an indemnification in case it has exceeded its power in altering the Laudian Code, and should henceforth have full authority to make, abrogate, or alter Statutes, with the exception of a few Fundamental Articles not to be altered without the consent of the Crown or some other superior authority.

2. That the right of initiating measures should be confided to a body comprising Professors and other Academical Teachers as well as the Members of the Hebdomadal Board. For this purpose, it may be expedient that the body called Congregation should be remodelled, so as to consist of all Heads of Houses, the Proctors, all Professors and Public Lecturers, together with the Senior Tutors of all Colleges and Halls; that the Members of this body should possess the right of originating measures; that it should be convened by the Vice-Chancellor to discuss measures, only on the written request of a fixed number of its Members; that it should be empowered to appoint Delegacies for discharging the functions usually belonging to the Committees of Deliberative bodies; that its Members should be allowed to address the House in English; that measures, after being passed by this House of Congregation, should be proposed to the House of Convocation simply for acceptance or rejection, in the same manner that measures emanating from the Hebdomadal Board are now proposed; that, these changes being made, the Hebdomadal Board should continue to discharge its executive and administrative functions, and should also retain its present right of originating measures.

3. That the Standing Delegacies entrusted with executive functions should be composed partly of Official Members, and partly of Members approved by Congregation on the nomination of the Vice-Chancellor and Proctors; one-

third of the persons thus nominated to retire every year, but to be re-eligible: and that the Professors should be formed into a Standing Delegacy, wholly Official and not liable to alteration, for the supervision of Studies, the appointment of Examiners, and the management of the Public Libraries. The official Members of the other Standing Delegacies to be determined by the House of Congregation.

4. That the Vice-Chancellor should be appointed absolutely by the Chancellor from the Heads of Colleges and Halls; and that the passage in the Laudian Statutes, which seems to give Convocation a veto on the appointment, should be removed from the Statute Book.

5. That the tenure of the Proctors' office should be extended to two years, one Proctor going out of office at the close of each year; and that the limitations with respect to standing should be no longer retained; that the Proctors should be elected by Congregation without regard to the cycle issued by King Charles I.; that they should be re-eligible; that they should no longer have any share in nominating Examiners, in adjudging prizes, in electing certain Professors, or in appointing the Select Preachers; and that their power of veto on Acts of Convocation should be abolished.

6. That the imposition of Promissory Oaths for the performance of Academical duties should be prohibited.

7. That all distinctions between Noblemen, Gentleman-Commoners, and Commoners should be discontinued.

8. That, in order to place some check on credit, no debt whatever contracted by a Minor while an Undergraduate of Oxford should be recoverable, unless the bill shall have been sent in to the Undergraduate within three calendar months after the date of the earliest item, and unless, in case of non-payment, a copy of the bill shall have been sent within six months from the same date to the parent, guardian, or College-Tutor of the debtor; and that no such action should be brought after the expiration of a year from the date of the earliest item.

9. That for the recovery of debts from Members of the University, the Vice-Chancellor's Court should hereafter proceed according to the forms of the County Courts, and that the practice of the Court should be thrown open.

10. That the provision of the Statutes, by which all Members of the University are obliged to belong to some College or Hall, as also that by which Colleges and Halls are obliged to have all their rooms accessible through one common gate, should be annulled; and that liberty be given for the extension of the University, as well by the foundation of Halls as by permitting Members of the University, under due superintendence, to live in private lodgings, without connexion with a College or Hall.

ITS STUDIES.

11. That there should be a public Examination for all young men before Matriculation.

12. That during the latter part of the Academical Course all Students should be left free to devote themselves to some special branch or branches of Study.

13. That the Professors should be distributed into four Boards for the regulation of Studies: I. Theology; II. Mental Philosophy and Philology; III. Jurisprudence and History; IV. Mathematical and Physical Science.

14. That a scheme should be framed by competent authority to provide for the requisite number of Professorships, partly by amalgamating some of those which belong to the same department, partly by suppressing those which are not wanted, partly by creating new Chairs; that the endowment of the Professorships should be increased, when inadequate,—further endowments being obtained by placing Professorships in certain Colleges, according to the precedent set by the Founders of Magdalen and Corpus.

15. That restrictions on the appointment of Professors should be removed.

16. That the appointment to newly-created Chairs should be given to the Crown; but that the appointment to existing Professorships should be left in the same hands as at present, except that those vested in Convocation, in the Graduates of Divinity, and in the Heads of Houses, should be transferred to Congregation.

17. That, to assist the Professors, Assistant-Professors or Lecturers should be appointed (whenever necessary) by Boards, to which they would respectively

belong, subject to the approval of Congregation; that, in case independent endowments cannot be supplied, a limited number of Fellows of Colleges, if appointed to such Lectureships, should, while holding them, retain their Fellowships though married; and that Congregation should authorise the establishment of new Lectureships whenever they may be wanted, or the suspension of those which may have ceased to be required.

18. That Professors and Lecturers should be allowed to receive Fees.

19. That the Long Vacation should commence and terminate on fixed days.

20. That Examinations should be conducted (as far as possible) in the Vacations.

21. That steps should be taken to remove the restrictions which limit the usefulness of the University Scholarships and Prizes.

22. That the Bodleian Library should be placed under the management of the Professors. That, although no general permission to take printed Books or Manuscripts out of the building should be granted, the Professorial Delegacy or Congregation should have power to give permission in special cases. That the hours for reading should be extended; and a Reading-room provided, with due accommodation. That the Visitation of the Library should no longer take place in full Term.

23. That arrangements should be made for transferring the department of Physical Science to the Radcliffe Library; that for this purpose the Curators of the Bodleian Library should be empowered to make over Books in that department to the Trustees of the Radcliffe Library; and that, if this division of subjects be effected, the Radcliffe Library should be placed under the supervision of the Professors of Physical Science. That a special Library of Archæology and Art should be formed in the building, called the "University "Gallery."

24. That a Catalogue should be prepared, supplementary to that of the Bodleian Library, for the purpose of indicating such Books as exist in the other Libraries in Oxford, but are not to be found in the Bodleian.

25. That the University should proceed with the plan lately brought forward for building a Great Museum for all departments of Physical Science, with proper Lecture-rooms, Laboratories, and apparatus for Lectures. That the Trustees of the present collections of various kinds should be empowered to transfer their collections to this Museum; and that the Curators of the Museum should be the Professors of Physical Science.

TS REVENUES.

26. That a Balance-sheet of the Revenues of the University should be printed annually for the use of Convocation; and that the Account Books themselves should be accessible. That a statement of the proceedings of the Delegates of the Press should be made annually, so far as could be done without injury.

27. That the Table of Fees exacted by the University should be revised, so as to equalise all Fees demanded for the same purpose, and to abolish all those which are exacted for no service, or which are unnecessary; due regard being paid to vested interests.

28. That the funds at the disposal of the University should be applied to University purposes only; due regard being paid to the local claims of property belonging to the University.

29. That the Stamp Duties levied on Matriculations, on Degrees, and on Certificates of Degrees should be remitted; and that the Statute of Mortmain should be relaxed so far as to allow the University to invest its funded property in land.

HE COLLEGES.

30. That all Oaths imposed by College Statutes, and all Declarations against change in Statutes, should be prohibited as unlawful.

31. That all Fellowships should be thrown open to all Members of the University wherever born, provided they have taken the Degree of Bachelor of Arts, and can produce a proper certificate of character. That, for reasons stated in the body of our Report, an exception to this rule should be made in regard to New College and St. John's College.

32. That persons elected to Fellowships should be released from all restrictions on the tenure of their Fellowships arising from the obligation to enter into Holy Orders, or from that of proceeding to Degrees in the Faculties of Theology, Law, or Medicine;—but that it would be expedient to modify

rather than remove the restriction arising from the possession of property; and that celibacy should still continue to be a necessary condition for holding Fellowships, with certain specified exceptions.

33. That steps should be taken in the various Colleges to prevent the annual value of any Fellowship from amounting to more than 300*l.*, or falling below 150*l.*

34. That no portion of the Funds of Colleges, except those specifically given for that purpose, should be applied to the purchase of advowsons.

35. That any surplus remaining, after making due provision for the Fellows, should be applied to increase the number and value of Scholarships, and that no Scholarship should be of less amount than 50*l.* a-year.

36. That, in Colleges where there is more than one Foundation, all Fellows should be placed on the same footing, both as to rights and duties.

37. That for the election of Fellows and Scholars in the larger Colleges, Boards should be formed, consisting of not less than twelve, and including the Head and all Fellows engaged in Education; that in all cases the election should be made by the suffrages of the whole Board, or of the whole Society, as the case might be, and not by nomination; and that all elections should be determined by the merits of the Candidates, as tested by Examination.

38. That a certain number of Fellowships should be, for the present at least, appropriated for the encouragement of the new Studies introduced into the Academical system.

39. That, if necessary, the Visitor should have power to issue a Commission for the re-examination of Candidates for Fellowships, on appeal from rejected Candidates who can give *primâ facie* evidence of higher merit than those who have been elected, and to reverse the decision of the Electors.

40. That all Scholarships should be thrown open to Your Majesty's subjects under the age of nineteen, of whatever lineage or birthplace; and that in those Colleges which have at present but few Scholarships, or a number not proportioned to their wealth and resources, the number should be increased. That the only exceptions should be that, (1) at Jesus College certain Scholarships should be reserved for persons born or educated in Wales; and that, (2) at Colleges in connexion with particular Schools, certain Scholarships should be reserved for persons educated at those Schools, subject to the provisions specified in the body of our Report.

41. That no Scholarships or Exhibitions in the gift of Colleges, should be tenable for more than five years; and that in no case should a Scholarship lead to a Fellowship without fresh competition.

42. That College Revenues should be made to a certain extent available for the Education of the University; and that for this purpose the three Lectureships founded by Fox at Corpus Christi should be restored and endowed with revenues from the College funds, sufficient to maintain two Professors; that at Magdalen, where three similar Lectureships were founded by Waynflete, six should be created and endowed for the maintenance of six Professors; that at Merton two, and at All Souls four or more, similar endowments should be made, to which might be added, if necessary, one at New College and one at Queen's. That these Colleges should be empowered to suppress, either for a time or altogether, a sufficient number of their Fellowships, in order to provide these endowments without too much diminishing the emoluments of the remaining Fellows.

43. That these Professor-Fellows should not be elected by the College-Electors, but that such Fellowships should follow the Professorships to which they may be respectively attached.

44. That the Heads of Colleges should be elected from any persons who have taken the Degree of Master of Arts; and that the election to these offices should, if possible, be left to the Fellows of the College; but that, in case abuses in these Elections should continue, provision to abate them should be made by an alteration in the mode of election.

45. That in all cases the Visitors should be empowered to visit their Colleges, and to correct abuses; and that the Head of each College, under the Seal of the College, should transmit annually a Report on the State, Discipline, Studies, and Revenues of the College, according to such a form as the Visitor may think fit, and that the Visitor should be called upon to lay a copy of such Report before the Sovereign, with such observations as he may think fit to make.

46. That the principles embodied in the above recommendations with regard to the Colleges in general should be applied to the several Societies in the manner specified in the body of our Report.

47. That the Head and Fellows in each Society should have power, under such control as may be thought expedient, to alter or abrogate Statutes, and to frame new Statutes as occasion may require.

In drawing up this Summary of our Recommendations, we have not attempted to make any distinctions between them. It must be manifest, however, on a cursory survey, that these Recommendations are very different both in kind and in importance. Some the University and the Colleges have not the power to adopt, without assistance from superior authority; some they have power to carry out, though they are not likely to avail themselves of that power; some, we hope, they may be induced to consider and to carry into effect of their own free choice; a hope which is strengthened by the fact that several important changes have been made since Your Majesty's Commission was issued. It may be thought doubtful whether those which involve alteration in the Laudian Code require external aid or not; but even a doubt on such a point renders it necessary to refer the question to superior authority. But no doubt can exist as to the necessity of legislative interference, if the principal measures which we have recommended for the reform of the Colleges are to be carried into effect.

Of the proposals which affect the University, the most important are those which we have made for remodelling the Constitution, and for abolishing the existing monopoly of the Colleges and Halls, by allowing Students to reside in Oxford without the expense of connexion with those bodies. In regard to the Colleges, we would especially urge the immediate necessity of opening the Fellowships and Scholarships, of attaching Professorships to certain Colleges, of increasing the number and value of Scholarships, of granting to the Colleges the power of altering their Statutes, and, above all, of prohibiting as unlawful the Oaths to observe the Statutes. The evil of these Oaths will be much increased after the publication of the statements which we have felt it our duty to make.

In offering these Recommendations we have been guided solely by the desire to render the great Institution, which is the subject of our inquiry, greater than it has ever been. Our object has been to lay such proposals before Your Majesty as we believe to be calculated to place the University of Oxford at the head of the Education of the country, to make its great resources more effectually serve their high purposes, and to render its Professors fit representatives of the learning and the intellect of England.

All which we humbly submit to Your Majesty's gracious consideration.

Witness our hands and seals this 27th day of April, 1852.

(Signed) S. NORWICH. (*L.S.*)
A. C. TAIT. (*L.S.*)
FRANCIS JEUNE. (*L.S.*)
HENRY G. LIDDELL. (*L.S.*)
JOHN LUCIUS DAMPIER. (*L.S.*)
BADEN POWELL. (*L.S.*)
G. H. JOHNSON. (*L.S.*)

A. P. STANLEY,
Secretary.

LEGAL STATEMENT BY Mr. DAMPIER.

[*See Report, pp.* 148, 152, 161.]

A statement of the law which might be applicable to several questions relating to College Statutes having been thought desirable, for it would thence appear whether the observations in the Report were founded on correct views of law, while they would be more easily read if they were kept apart from legal topics and authorities, Mr. Dampier has, by request, written the following observations:—

The Founders of our earlier Colleges, where the foundations may be traced, appear to have received the consent of the Sovereign and the Pope; whereupon, incorporation followed. Afterwards, formal words of incorporation, giving the capacity of taking and holding, of suing and being sued, etc., were used. But in every case, Colleges, by presumption of law, derive their corporate existence from the Sovereign. From the Sovereign also they receive the power of taking and holding land in mortmain, a tenure generally adverse to the interest of the Commonwealth, but which, in this case and within limits, is permitted on account of expected compensating advantages.

Stat. 18 Edw. III. c. 3; 7 & 8 Wm. III. c. 37; 9 Geo. II. c. 36, § 4.

The Founder of a College might appoint its Visitor, whose office, speaking generally, consists in the interpretation of the College Statutes, when required, and in visiting the College and inquiring into and insisting on its due adherence to those Statutes. This visitation may be made either at stated intervals or when, by an usual provision of College Statutes, a defined part of the Society call for it. The Diocesan was frequently appointed Visitor, because he could add ecclesiastical to visitatorial authority.

If the Founder omitted to appoint a Visitor, the right of visitation descended to his heirs. If eventually no heir was to be found, the right would be taken by the Sovereign, by a sort of escheat, that the College might not want a Visitor.

Ex-parte Wrangham, 2 Ves. jun. 609.

The decisions of a Visitor when made within his jurisdiction, are not examined in our courts of law. He is exclusively to expound the Statutes, except in some peculiar cases of trusts, which need not be particularly mentioned.

Att.-Gen. *v.* Cath. Hall, Jac. 381; Att.-Gen. *v.* Magdalen College, Oxon, 10 Bacon, 402; Whiston's case, 7 Hare, 532.

A College may cease to exist as other aggregate corporations may cease, by the extinction of those who are essential to its perpetuity, and to the renovation of its parts. Thus if the Fellows were all to die, or to do some act by which each ceased to be a Fellow, without electing their successors, the College would cease.

In such an event, the real property bestowed by the Founder would revert to his heir. If no heir could be found, the Sovereign would take it. In like manner, I suppose, that estates given to the College by subsequent benefactors or by Founders of annexed Fellowships and Exhibitions would revert to their respective heirs, or to the Sovereign. This right, as regards the heir, has, I think, been doubted in a case of a municipal corporation. There may, however, be a difference between the forfeiture and seizure of franchises, and the extinction of a College. Mr. Neate, in a communication made by him to us, says what appears to be undeniable, that "there is not in the heir of the Founder, where alone it could be, any legal right by way of reverter or forfeiture to enforce the obligation of the Statutes in reference either to close Fellowships or to any other matter." Such indeed is a visitatorial right; that of the heir, as heir, must wait the regular legal event; an event which, as far as I can learn, has never yet occurred in the case of an extinction of a College. In very recent times, when Sir William Follett was Attorney-General, the heiress of the Founder of Emanuel College was required to act as if she had the reversionary right. In ancient documents the heir or representative of the Founder is called the Founder. It may be for this reason that Archbishop Chicheley, while he calls his Sovereign the Founder of All Souls, for King Henry V. had granted to him the Possessions of some alien Priories as the fundus of that College, calls his successors his Co-Founders, the fundus having been given to him, and the foundation being by him, in his corporate character.

Co. Litt. 13 b.

Evidence, p. 239.

Monasticon Diœces. Exon. 205, 211, 215.

Statutes All Souls, by Ward, 2 Inst. 68.

The power of altering College Statutes which exists elsewhere than in Par-

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liament is conjointly in the Sovereign, the Society, and in the Founder's heir. If the Sovereign be the Founder, or if there be no heir of a subject Founder, the Sovereign and the Society are sufficient. The consent of the Society is required, for it exists lawfully, and may choose so to continue its existence. If the Society were to cease, the Founder's heir, or, on his non-appearance, the Sovereign, would be entitled to the Fundus; but the heir could not refound unless the Sovereign should consent to incorporate. An alteration of Statutes is, to some intent, a re-incorporation; the Sovereign's consent, therefore, is necessary, for he thereby consents to the altered corporation. The three represent all the interests which can possibly be affected. If they consent, there is no one to object to change.

Monk's Life of Bentley, 8vo. vol. i. p. 325; ii. p. 256; 2 Str. 912. Co. Litt. 13 b.

Fellowships are frequently added to existing Colleges. If these be so adopted as to share all things with the original Society, it should seem that the consent of the Sovereign ought to have been obtained; but speaking generally (for there is a great variety in the mode and terms on which these additions are made), the heirs of the Founders of these Fellowships should, like the heir of a general Founder, join in the alteration of their conditions. I cannot perceive any difference in this respect between a general and a particular Founder. Each gives to a body corporate, and the provisions of law seem in principle, and by Lord Coke's language, to be applicable to either.

Queen's College case, Jac. 27, 381, 400.

Att.-Gen. *v.* Talbot, 1 Ves. sen. 79; 3 Atk. 639; Queen *v.* Rutherford, 1 Ves. sen. 462; R. *v.* Bp. of Ely, 1 W. Bl. Rep. 88. Co. Litt. 13 b.

From what is said, it may, successfully, I think, be argued: 1st. That the consent of the Visitor to alteration is not more required than the consent of our Judges is required to a change of the law; and that a coalition between a College and its Visitor can effect nothing new, nothing beyond interpretation; and where a Visitor has gone beyond the legitimate rules of interpretation, he has not instituted his course by that "lapis conductitius,—the true intent and "meaning of the Founder." 2ndly. That where a Founder has not forbidden alteration nor imposed on his Society a declaration that it will not consent to change, the Society ought not to hesitate to consent to what is approved by itself, the Sovereign, and the Founder's heir. The instances of such alterations at Cambridge (in some of which I was consulted) are numerous, the benefits resulting are almost innumerable. 3rdly. That where alteration is forbidden, and the Society declares it will not consent to change, it is helpless. Its eminent members must refrain from aiding by word or deed in what, though honourable and profitable, will vary the Statutes. The Legislature only can give relief, to which, though the relief be unquestionable, the Society must oppose its reluctant dissent, since relief must come by alteration.

43 Eliz. c. 4, 2 Inst. 712, 727.

Peter House, Trinity, St. John's, Caius, Jesus, Emmanuel, Queen's Colleges.

Such being the effect of this provision in Corporations constituted for education, to which is also added one for secrecy, the reason of which seems often to be misunderstood, all sanctioned by oath, which impels a denial of information however duly requested—the Visitor being unable to intervene unless specially required, and irresponsible when he does decide—I will add that if a case in a court of law could be supposed which involved a consideration of such like provisions recently made, I conceive they would be held contrary to public policy. They seem to be an indirect attempt to attain a perpetuity not of property (for that has been allowed), but of laws affecting the object of that property. This sort of perpetuity the State could not guarantee. The Founder therefore has tried obliquely to accomplish his purpose by the imposition of oaths and declarations to be taken and made by the individual members of his College in a perpetual succession.

See the 15th vol. of Law Review for Feb. 1852, p. 269, on the authorities cited by the Council for the University.

Sext. Decret. tit. De foro competente, 2 Inst. 493.

The oath also is imposed on reasons which have long ceased. One, a legal reason, was that the ecclesiastical law might assume cognizance of an oath and punish by excommunication, where the common law would not interfere.

A Statute of frequent occurrence, de non introducendis extraneis ad onus Collegii, the reason of which having also been misunderstood, may be here mentioned. It was, I conceive, directed against a practice of powerful men imposing too much on the hospitality of Religious Houses, and of the Heads of such Houses introducing their connexions to the prejudice of the Collegiate Funds, and had no reference to "Commoners." This seems to have been the opinion of two very eminent persons, the late Lord Stowell and Dr. Wood, Master of St. John's and Dean of Ely. They in conversation on the propriety of Undergraduates being allowed to lodge beyond the College precincts, as the Dean told me, agreed that it was a duty of the Colleges to receive on their boards as many Commoners as they could superintend, both with regard to the

2 Inst. 116, 566, 630.

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public and to themselves also, if they valued the privileges conferred on graduates of the Universities. These privileges had been conferred when Commoners were generally received into Colleges, and were, it may be presumed, objects recognized by the Legislature as entitled to those privileges.

2 Ld. Raym. 1138.
21 Hen. VIII. c. 13, § 2, 3.
13 Eliz. c. 12, § 6.
17 Car. II. c. 3, § 6.
43 Geo. III. c. 84, § 15.
57 Geo. III. c. 99, § 10.
See also 11 Geo. II. c. 17.
2 Mylne and Craig, 654.

Our early Founders have limited the estate which may be held with a Fellowship. The present construction of this limitation which allows for the diminished value of money seems intelligible. But I cannot understand why every sort of realized property should not be within it. If much of this kind of property was not known when those Founders lived, and it be therefore urged that they could not contemplate what was unknown, the answer seems to be that Acts of Parliament are frequently applied to matters of a more recent existence than the Acts. The Founder's object is to educate those who are statuteably "Indigent," and to make room for these he removes those who have become not indigent, apparently without regard to the kind but only to the certainty of their property.

Lord Campbell's Lives of the Chancellors, vol. i. p. 262, 2nd ed.
E gr. Courtenay, Bishop and Chancellor, 1381.
Arundel, Bishop and Chancellor, 1384.
Stafford, Bishop and Chancellor, 1396.
2 Inst. 98. 599.

But these Founders do not notice the case of a reversionary estate, nor that of a recipient of their bounty being connected with the wealthy and powerful; for in their time more than in this, when settlements and provisions for younger children are common, poverty might coexist with gentle birth and be allied to and yet share no part with opulence. In their time, "Except the Common "Law, the only road to wealth and power open to a non-combatant was the "Church," whose interests were a main object of those Founders.

It is submitted that in these cases no accurate comparison of the different value of money can be made. But for many Collegiate purposes a criterion may be established by proportion. Thus let the amount of the Collegiate income at the time of the foundation be compared with the amount of money appropriated by the Founder (say) to tuition. This latter is specified in the Statutes, the former may be calculated, for those Founders seem to have disposed of all their means and not to have contemplated any considerable surplus. The present amount of income from the same source, which is known, will bear the like proportion to the required sum. The adoption of this criterion will, as far as my experience extends, benefit the cause of education.

The case of Founder's kin has reference to the construction of Statutes, and is an object of debate at Oxford. The language of the Founder of Merton seems to me to extend no farther than to his heir for the time being and the children of such heir. The College, as we are informed by Archbishop Peckham, soon disregarded the preference. It has ceased to be claimed for a very long time. The language of the Founder of New College holds forth to his kin education instead of estate, and thus, by compensating those who would have inherited what he gave to his Colleges, he seems to have proposed a like preference to that of the Founder of Merton. The practice in bestowing this preference has in more recent times been varied. But whether the Founder intended his heir for the time being, or his kin generally, or his kin according to legal computations well known to him as a Bishop and a Chancellor, his intention appears never to have been fulfilled. The language of the Founder of All Souls is different from that of the two preceding Founders. He prefers his kin generally, and does not say the preference is instead of inheritance. But such kin are not unconditionally preferred; they must fulfil those terms which the Founder requires in all his Fellows. This preference seems to be, in short, "cæteris paribus." If this be correct, the practice here also has varied, for all the Founder's kin seem at one time to have enjoyed an unconditional preference, till, at a later time, the Visitor decreed that ten only of that class should, as such, at any one time hold Fellowships in this College. The Visitor appears to have imitated herein the Founder of St. John's, who limits six of his Fellowships to his kin, and compensates his heir male for the time being by a perpetually renewable lease. His Statutes are not before me, nor am I informed of the result of his preference to his kin; that for his heirs male is effectuated by Acts of Parliament.

17 Law J. Equity, 298.

18 Eliz. c. 6. § 3. c. 11 § 5.

One instance out of many small appropriations to kin is the Craven University Scholarship. The same language applies to this Foundation as well at Oxford as at Cambridge. At Oxford the kin are unconditionally preferred; at Cambridge, if kin have been preferred, they must have been found, on examination, equal to the best, and have succeeded either because the Founder's preference is there construed as conditional, or because it is inconsistent with

2 Mylne and Keene, 577.

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and subordinate to that primary object which is necessarily implied in the founding of a Scholarship at an University. The results appear to be that no Founder has succeeded in uniting this preference with good education, that though each successive Founder has endeavoured to avoid the failure of his predecessor, the provisions of each have been neglected and varied in several ways, (unless it be otherwise at St. John's,) and, after all, the great purpose of education is not attained, except by what is, I think, a justifiable construction at Cambridge.

It appears then that there are some, perhaps many, College Statutes, the impolicy and impropriety of which must be admitted, and, consequently, alteration is suggested as being necessary. The question arises, what are the alterations which are proper, and which may be made in good faith, because, as far as is possible, they preserve the Founder's intentions. It has been herein asserted that all are proper to which the Sovereign, the heir, and the Society consent. But where the Society must not consent, may the Legislature properly give relief? This is not a question of law; but so many legal considerations seem to be involved in it, that I venture to form and give an opinion that the Legislature may properly relieve, and may, in giving relief, adopt principles which are found in our Courts of Law.* "Necessity and the different genius "of the age" prevail now, as in the time of Charles I., and now, as then, "the "rigour of Statutes may be attempered to the necessities of men," and, it may be added, to the attainable objects of the Founder which still survive the changes of time.

Ward's Stat. Oxon. p. 4, Laudian Code, Tit. x. § 2, c. 4.

Evidence, p. 239.

Mr. Neate's observations confirm this view. His words are, "A gift to a "College is not in any sense a mere gift to a corporation, it is in every case, I "believe, coupled with the expression of such a general charitable purpose as "would, in the case of a gift to trustees, be an absolute dedication of the pro-"perty to charitable uses; if not those prescribed by the donor, then to some "other to be appointed by the Court of Chancery. Such is the well-known "principle, according to which money given before the Act of Toleration, to "endow a Teacher of the tenets of Baxter, was transferred to Greenwich Hos-"pital without regard to the claim of the testator's next of kin. It seems clear "then that the Legislature may properly deal with this question of close Fel-"lowships, or with statutable restrictions in any other matter, without regard "to any legal right in the heirs of the Founder." Of the extreme minuteness of that right enough has been said by Mr. Neate; and his observations, as well as those of the Rev. F. Temple, show that where property is bestowed on a College, it is intended to be a perpetual dedication to the purposes of religion and education, to which the Legislature has always given its assistance without regard to the remote and casual interests of individuals.

Evidence, p. 132, 239.

18 Edw. III. c. 3; 7 & 8 Wm. III. c. 37. See also Stat. 17 Edw. II., transferring the possessions of the Templars.

Lyttleton, § 135, &c. of his tenures, having noticed that tenants in Frankalmoin, and by Divine service must say prayers generally, or some prayers in

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* The cases in which the principles here alluded to are applied may not, for the most part, serve as precedents for visitatorial interpretation. It is however submitted that the Legislature may find in them some analogies by which it may adopt sound measures of relief and improvement, and thus promote the main object of a Founder, as the Courts of Law have, by their rules of construction, promoted that of a Testator.

2 Bligh, 51; 1 East, 234; 7 Taunt. 212; 4 B. & C. 620; 5 B. & C. 640; 3 A. & E. 347; 3 Hare, 11; 7 Hare, 589.

Lord Eldon, applying a rule regarding devices of real property, says, "It is definitively settled, as a "rule of law, that where there is a particular and a general paramount intent, the latter shall prevail, "and Courts are bound to give effect to the paramount intent." Lord Kenyon, Chief Justice Gibbs, and Chief Justice Abbott say the same. Lord Redesdale modifies the Rule, and our Courts now accept it so modified. Wigram, V.C., thus states his view of it. "Whether the two expressed inten-"tions, both of which could not be effectuated, were well or ill described by the terms 'general or par-"'ticular intention,' or whether the criticism upon those intentions is just, appears to me immaterial. "It is a mode of characterizing the different and, to a certain intent, conflicting intentions of the Tes-"tator which satisfied Lord Eldon and other Judges of great eminence. The meaning of the terms "is now sufficiently understood. In order to preserve and effect something which the Court collects "from the will to have been the paramount object of the Testator, it rejects something else which is "regarded as merely a subordinate purpose, namely, the mode of carrying out that paramount inten-"tion."

Litt. § 352; 3 Vesey, 649 n.; 2 Collyer, 665; Craig & Ph. 208; 2 Mylne & Craig, 654.

So, in another class of cases, the Court of Equity has adopted schemes as near to and as much resembling the conditions and intentions of Founders as may be. Thus, amongst other instances, Benefactions for Students of one College have been transferred to another College. Loans which were not to exceed a certain amount two centuries back, have been enlarged with reference to the present value of money. A charity to be distributed amongst such poor persons as should attend Church, and there chaunt the Testator's version of the Psalms has been disregarded as to chaunting, and bestowed on the main object, the pious poor of the Church of England. Mr. Hulse's directions as to the number of the Hulsean Lectures and to the time of printing them were altered not long since by Shadwell, V.C.

particular, as their grantors may have directed, Lord Coke thus comments:— "Since Lyttleton wrote, the Liturgie or Booke of Common Prayer, and of "celebrating Divine service, is altered. This alteration notwithstanding, "yet the tenure of Frankalmoigne remaineth, and such prayers and Divine "services shall be said and celebrated as now is authorized. Yea, though the "tenure be in particular, as Lyttleton hereafter sayeth, viz., a chaunter un "messe, &c., ou a chaunter un placebo et dirige, yet if the tenant say the "prayers now authorized, it sufficeth; and as Lyttleton has said before, in the "chapter on Socage, the changing of one kind of temporal services into another "kind of temporal services, altereth neither the name nor the effect of the "tenure. And albeit the tenure in Frankalmoigne is now reduced to a cer- "tainty contained in the Book of Common Prayer, yet seeing the original "tenure was in Frankalmoigne, and the change is by general consent by autho- "rity of Parliament, whereunto every man is a party, the tenure remains as it "was before."

Founders of Colleges have no stronger claim to a permanence of those provisions which, perhaps in their time, were conducive to learning, than grantors of land had to a permanence in the forms of the services of tenure. The Legislature has already altered the form of one great purpose of Donors and Founders, that of prayer; why may it alter the other great purpose, of learning; or rather, why may it not, by altering, restore that purpose to the originally intended efficiency?

This is not more a new doctrine in regard to our Colleges, than it is in regard to the tenure of land, and to other subjects which may furnish analogies and examples not inappropriate to that of "Close Fellowships."

Of the exclusion of those not natives of England little need be said. The Legislature has from early times regarded those born of native parents beyond the seas, and the language of the more recent Acts of Parliament seems opposed to the continuance of this provision of some Collegiate Statutes.

25 Edw. III. c. ; 45 Edw. III. c. 10; 7 Ann, c. 5; 4 Geo. II. c. 21. 13 Geo. III. c. 21.

Where the natives of large districts or of designated though unnamed localities are preferred, may it not be assumed that religion and education were the primary objects of the Founder, and that this preference is a subordinate inclination, and, as it were, an afterthought? There are instances of ancient customs which, being found repugnant to the more recent policy of the law, are not allowed to be continued; the custom was rude, the later law refined. So, a rude and remote district may have attracted a Founder's preference, which, as in the instances of the northern and extreme western parts of this kingdom, may now be remarkable as well for a generally intelligent and thriving population as for many natives of peculiar eminence in science. For these the uncertain preference of the Founder has become inadequate, and the whole University should be opened, and thus, more than compensation will be given, even if compensation could justly be required.

Davis 28, 11 Q. B. 26, 63.

Where the object of preference is small, as where a Fellowship is appropriated to a school or a town, there also the principal motive is education, otherwise, as is observed, the Founder would have granted a rent charge in trust for the object, and would not have added a Fellowship to a College.

2 Russ. and Mylne, 590.

To these smaller Foundations the reasoning of the Archbishop of Dublin seems especially applicable, for when all existing Fellowships were appropriated, no well-wisher to a school or town could hope to promote his object except by appropriating a Fellowship for it. If all be now opened, the cause of appropriation ceases; and if a scheme be devised by which the contingent and unfrequent vacancy of a Fellowship shall be changed for a more certain opportunity of education, whence every Fellowship may be obtained, it seems that those known principles of law are consulted by which private property is, on due compensation, taken for public purposes; with this difference, that there, money is often no compensation; here, education is given for idleness, and the subject is not private interest, but, rather, it resembles ecclesiastical property, whose treasures, hitherto latent, have been developed and apportioned by the Legislature, and all so regulated as to provide for these and for future times.

Evidence, p. 36.

5 & 6 Vict. c. 108, § 6, 14. 7 & 8 Geo. IV. c. 9, private.

The opinions of Lord Coke and other judges are that "Collegiate bodies are, "and hold their possessions, for the public good." In such character they receive as favoured objects of the nation the protection of Parliament, by which their utility may be increased. They exist for the purposes of sound learning

11 Co. 73*b*, 75*a*, &c. See also the Preamble of 7 & 8 Wm. III. c. 37.

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and religious education; they hold large possessions in trust for those purposes, and from very early times the Legislature has provided for their due execution of such trusts. To this effect the Statute *de asportatis Religiosorum* was made, as was the statute of 17 Edward II., by which a change of Trustees was effected, the possessions of the Templars being transferred to the Hospitallers. In the reigns of Henry IV. and Henry V. the possessions of alien priories were vested in the Sovereign by Parliament, and were by the Sovereign granted as the fundus of Colleges, a change of trusts as well as of Trustees, to which the Pope would consent. Hence arose All Souls and the two Foundations of King Henry VI. The Sovereign and the Pope enabled Wolsey to take the possessions of forty religious houses, the consent of their Founders' heirs being obtained, and to change their trusts and their Trustees by founding Ipswich and Christ Church Colleges. In modern times also Parliament has given its aid to the interests of religion and education, by remodelling church property, by appropriating part to the Universities of Lampeter and Durham, by enabling some persons to convey and others to take land for the use of schools, and, amongst many instances, by enabling the Trustees of the great Theological Foundation of Mr. Hulme at Brasenose College, effectually to dispose of their accumulated funds. So careful indeed has been the Legislature of the interests of our Colleges, which rank with those of the Church, that their farming, their leases, their advowsons, their elections, their worship, the police of their vicinity have been the subjects of many enactments giving or restraining those powers which may best enable them to fulfil the conditions of their existence.

It may be asserted under correction, that every association which, for the general good, is beholden to the Legislature for powers and abilities affecting the public, and by the law refused to individuals, submits itself, by accepting the privilege, to be treated as a public body, its public importance and utility being the measure of the right of public interference. The East India Company, the Bank of England, the Municipal Corporations (though much of their original property was conferred before their legal incorporation, and no part was held in mortmain), and Railway and Canal Companies,* are instances which may be added to those of Collegiate bodies; even that of the Weaver Navigation seems to deserve special mention. The surplus of the tolls of that navigation, made at the cost of private persons for the purpose, amongst other things, of employing the poor, for the increase of seamen and the good of the public at large, were by Act of Parliament applied to the payment of county rates and other purposes of Cheshire; but, for reasons recited in another more recent Act of Parliament, church accommodation and religious instruction were, out of that surplus, provided by such recent Act for those whom the navigation had drawn to the district.

On these considerations I cannot assent to the opinion that "our Colleges are "private institutions," and that "so long as they obey" (in several instances they do not and cannot obey) "the directions of their Founders, and do no "positive evil, it may be fairly argued that the Legislature has no right to "interfere with them," and that "it is a strong doctrine to argue that it may "rightfully compel them to do more good than they otherwise would do;" and I place great additional reliance on the views of a living ornament of the University of Oxford, Mr. Hallam, who having stated that he could not, until some broad principle was made more obvious to him than it ever yet had been, do such violence to all common notions on the subject as to attach an equal inviolability to private and corporate property, and having observed, that even in private property the laws of hereditary succession and testamentary disposition, the perpetual ownership of the possessor and the expectancies of children, are set aside by the laws of forfeiture, remarks, that "in estates held, as we call "it, in mortmain, there is no intercommunity, no natural privity of interest, "between the present possessor and those who may succeed him; and as the "former cannot have any pretext for complaint, if, his own rights being pre-"served, the Legislature should alter the course of transmission after his

13 Edw. I. c. 1.

Rot. Parl. 4 Hen. IV., 1 Hen. V., 2 Hen. V.; 9 Rym. Fœd. 283, London ed.; App. to Monasticon Diœces. Exon.

14 Rym. Fœd. 23, London Ed. 4 Collier Eccl. Hist. p. 52.

3 & 4 Wm. IV. c. 19 private.

7 & 8 Geo. IV. c. 9 private.

21 Hen. VIII. c. 13, § 23, 28.
33 Hen. VIII. c. 27.
1 Edw. VI. c. 14, § 19.
2 & 3 Edw. VI. c. 1, § 6.
7 Edw. VI. c. 5.
1 & 2 Phil. & Mary, c. 8, § 26.
2 & 3 Phil. & Mary, c. 15.
1 Eliz. c. 4, § 34.
13 Eliz. c. 10, § 3, 4; c. 12, § 6; c. 21, c. 29
14 Eliz. c. 11, § 17-19.
18 Eliz. c. 6, 11, § 5, 6; c. 20.
31 Eliz. c. 6, § 2, 3.
35 Eliz. c. 7, § 11, 26.
43 Eliz. c. 4, § 2; c. 9, § 9, 10.
1 Jac. I. c. 22, § 48.
3 Jac. I. c. 5, § 19, 20.
4 Jac. I. c. 5, § 10.
21 Jac. I. c. 32.
12 Car. II. c. 25.
13 & 14 Car. II. c. 4, § 8, 10, 17, 18.
15 Car. II. c. 17, § 26.
17 Car. II. c. 3, § 6.
1 Wm. & Mary, c. 26.
6 & 7 Wm. & Mary, c. 16, § 7.
7 & 8 Wm. III. c. 37.
9 Anne, c. 23.
12 Anne, st. 2, c. 6, 14.
7 Geo. II. c. 10.
9 Geo. II. c. 36, § 4.
10 Geo. II. c. 19.
11 Geo. II. c. 17.
17 Geo. II. c. 40.
43 Geo. III. c. 84, § 15.
57 Geo. III. c. 99, § 10.
5 & 6 Wm. IV. c. 62, § 8.
3 & 4 Vict. c. 113.
4 & 5 Vict. c. 38.
9 & 10 Vict. c. 95, § 140.
5 & 6 Wm. IV. c. 76.
3 & 4 Vict. c. 24 private.

Malden's Origin of Universities, p. 88.

Const. Hist. Eng. vol. i. p. 101, 8vo.

19 Law J. Equity, 481.

* The words of Lord Langdale, M.R., are remarkable: "In every instance which has come before "me, the mistake of the Directors (where it has turned out to be a mistake) has arisen from the idea "that they had a right to use the vast amount of property placed in their hands, and the vast amount of "power given to them over that of other people, in the manner which they thought most advantageous "to the Company or most convenient to the Shareholders, without having regard to the public objects "and purposes intended to be effected by their Acts of Parliament."

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" decease, so neither is any hardship sustained by others, unless their succession
" has been already designated or rendered probable. Corporate property, there-
" fore, appears to stand on a very different footing from that of private indivi-
" duals; and while all infringements of the established privileges of the latter
" are to be sedulously avoided, and held justifiable only by the strongest
" motives of public expediency, I cannot but admit the full right of the Legis-
" lature to new-mould and regulate the former in all that does not involve
" existing interests upon far slighter reasons of convenience."

J. L. DAMPIER.

STATEMENT OF MR. GOLDWIN SMITH ON THE COLLEGES AND HALLS OF OXFORD.

[*See Report, p.* 129.]

The Halls (Aulæ) were houses in which Students lived, under a Master in Arts or Doctor in one of the Faculties, who was their Tutor. Their code of discipline and their system of study was that of the University. Anterior to the passing of the Laudian statutes, or the establishment of the custom which they ratified, any Master or Doctor was permitted to open a Hall. It is stated by Wood that as many as 300 of these Halls existed in Oxford in the reign of King Edward I. Some, but, it is believed, not a large proportion, were endowed.

Five Halls alone now remain, and all endowed; the estate, which in the case of New Inn Hall is believed to consist only of the Hall itself, being held in trust by the University. They may be considered as minor Colleges, without Fellowships. St. Mary Hall and Magdalen Hall have Scholarships or Exhibitions. The Headship of St. Mary Hall, Magdalen Hall, New Inn Hall, and Alban Hall, are in the gift of the Chancellor of the University. The Headship of St. Edmund Hall is in the gift of Queen's College, and is passed down the list of Fellows, like a living. The Halls are nominally governed by the Aularian statutes, established, with the rest of the Laudian Statutes, in 1636, and revised in 1835. It is, however, stated by the Principal of Magdalen Hall in his evidence, that these statutes, even as revised, have become a dead letter.

The Colleges of Oxford were founded at various periods, from the end of the thirteenth century to the beginning of the eighteenth.

Fourteen of the nineteen, including Christ-Church, were founded by Roman Catholics, though in some cases additional Fellowships, and more frequently Scholarships and Exhibitions, have been given to Roman Catholic foundations by Protestant benefactors.

Too much stress has probably been laid on this connexion. In most instances there is nothing to show that the founders of Roman Catholic Colleges would not have changed with the main body of the Church of England at the Reformation. Merton College produced some of the early reformers; among others, Wycliffe. The Fellows of Colleges were all by statute seculars, and some antagonism appears to have subsisted between them and the regulars, who were the most strenuous supporters of the Papacy. On the other hand, Rotheram, the second founder of Lincoln College, has expressed in the most violent terms his antipathy to the Wycliffites, and has declared the College to be founded for the suppression of their heresies. Bishop Smith, one of the founders of Brasenose, was a persecutor of the Reformers; and his Statutes, contrary to those of other Roman Catholic founders, prescribe devotions of a peculiarly Roman Catholic character. Wolsey was an enemy of the Reformation, though a patron of the learning which contributed to its success. And it can hardly be doubted that Sir Thomas Pope and Sir Thomas White, who founded Trinity and St. John's Colleges, in the reign of Philip and Mary, and under charters from those sovereigns, would have disapproved the appropriation of their foundations to the purposes of the hostile sect. It is to be observed, also, that the transfer of the Colleges from the old to the new faith was not accomplished without the forcible ejection of many Heads and Fellows who adhered to the religion of their founders.

All the Colleges except Worcester (and Hertford College—now suppressed) were founded before the imposition of the Caroline Statutes, the effect of which was to confine the University to the Colleges and the few remaining Halls.

It was not till after the foundation of the last College that the old system of Arts and Faculties, with the long period of residence which it required, ceased to be the recognised system of the Universities. In theory, indeed, its existence cannot be said to have ceased till the Examination Statute of 1801 was passed; and its forms remain at the present day.

The specific object of the Colleges, as gathered from their Statutes, appears

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to have been the maintenance of societies of Students, under a regular government and with a regular rule of life and study. They may be viewed historically in connexion with the Halls,* with the Monasteries, and establishments for the education of Regulars which subsisted by their side in Oxford, and with those benefactions of great men and prelates to poor Scholars which are of frequent occurrence in the early history of the University, and from which University and Balliol Colleges arose.

The first regular College, and the type of all the rest, both at Oxford and Cambridge, was Merton. This is described in the Charter of Refoundation as being founded " for the constant support of Scholars residing in the schools of " Oxford or elsewhere where a University exists, and for the support of three " or four Ministers of the altar of Christ, who are to reside therein." The persons so described are the Fellows of Merton and their Chaplains.

The founder of New College, which also marks an important epoch in the history of the Colleges, describes his foundation as " a College of poor and " indigent Scholar Clerks in the school (*studium*) of the University of Oxford, " who are bound to study and make progress in divers Sciences and Faculties."

Jesus College, subsequent to the Reformation, is in the opening of the Statutes ordered to consist of a Principal, sixteen Fellows, and sixteen Scholars, " who " are all bound to apply themselves to the study of philosophy and theology " according to the ordinances of the Statutes."

The increase of Divine worship, by the celebration of solemn services and processions, appears to have been an important collateral object with some of the Roman Catholic founders; and New College, Magdalen, Christ Church, and St. John's were furnished with choirs for that purpose. In other Colleges, however, especially the earliest, attendance at Divine service appears to have been only enjoined as a part of the rule of life. Some Colleges, as Balliol and Exeter, were originally without domestic chapels, their members resorting for mass to a neighbouring parish church. The Scholars of Merton used the adjoining church of St. John the Baptist, and those of Oriel the church of St. Mary.

The celebration of prayers and masses for the souls of founders and benefactors was, no doubt, an important though subordinate object with the Roman Catholic founders; and a multiplicity of such prayers and masses is sometimes prescribed by the Statutes; but it nowhere appears that this was the chief object of the foundation. At Merton it is entirely omitted.

A passage in the preamble of the Statutes of All Souls declares that College to have been founded as a chantry rather than for literary objects. Its Statutes generally are, however, nearly the same as those of New College, Magdalen, Corpus, and other foundations of the same class; and it must have been spared as a literary institution at the Reformation, when chantries were suppressed.

Christ-Church, as refounded by Henry VIII., united the objects and constitution of a Cathedral with those of a College.

All persons on the foundations of Colleges previous to the Reformation were *Clerici*. The same title appears to have been applied to all Students at the University, and even to the boys at public schools. But, besides this, the founders of New College and All Souls have expressed a specific intention to increase and improve the clerical order, the decay of which they both lament. The injunctions to take Priests' orders, from which the clerical character of the Colleges at the present day arises, will be mentioned below.

In all the foundations there were a Head, under the various names of Warden, Master, Provost, Rector, President, or Principal, and a certain number of Students, generally called *Socii*, but, in the Statutes of the earlier Colleges, *Scholares*, and at Christ-Church *Studentes*.

At Merton there were certain children of the Founder's kindred to be maintained and educated by the College. At Balliol a poor youth was attached, in a menial capacity, to each of the Fellows. At Queen's, a number of poor boys, in proportion to the number of the Fellows, were appointed by the Statutes to be maintained: they waited on the Fellows, and at the same time received their own education, for which a master was provided. From the foundation of Magdalen downwards it became the custom of Founders to add

* Some of the earlier Colleges, as University, Oriel, Balliol, Queen's, were called Aulæ.

to the Fellowships, which were generally tenable only by Graduates, and subordinate foundations open to Undergraduates. These junior Members were called at Magdalen *Semicommunarii* or *Demyes*; at other Colleges, *Scholares*, the generic name of all Students. The Demyships of Magdalen were wholly unconnected with the Fellowships; but the Scholarships in Colleges later than Magdalen were connected with the Fellowships, and apparently intended as nurseries of Fellows. The Postmasters (Portionistæ) of Merton were a later foundation, and were at first lodged in a separate Hall, under one of the Fellows of the College, who was called *Principal* of the Postmasters; but they were ultimately received into the College, and placed on the footing of Scholars. The whole of these Undergraduate Members of foundations, including the poor Scholars of Balliol, the poor boys, now called Taberdars, of Queen's, the Postmasters of Merton, and the Demyes of Magdalen, together with the Scholarships which have been founded either by benefactors, or by the Colleges themselves, as at Oriel, Exeter, Lincoln, and University, have now been placed nearly on the same footing, and are known by the general name of Scholars. The Scholars were Members of the foundation, but they were excluded from the administration of the College property and business, and from the elections.

The Statutes of Brasenose permit the College to receive the sons of noblemen and gentlemen, in number not exceeding six. The last statutes of Balliol provide for the admission of *Extranei*, who, as they are preferred to the Fellows in the assignment of rooms, were probably also persons of rank and property, answering to the Gentleman-Commoners of the present day. At Jesus provision is made for the admission of *Communarii sive Batellarii*. In the Statutes of Pembroke, also, there is a section, *De Commensalibus seu Communariis*. These independent Members, however, seem nowhere to have been regarded by the Founders as an important part of the College. Even at Pembroke they are termed "*hospites et advenæ*," in the Statute relating to them.

The Scholars and sons of noblemen and gentlemen at Brasenose were required by the Statutes to have the Principal or some Fellow of the College as their "*Tutor*," to "answer for their expenses and fines." There is a similar provision in the case of the Commoners at Jesus and Pembroke. This describes the original office of the College Tutors, which was quite distinct from the office of instruction discharged, where it was discharged at all, by the Prælectors.

The choirs of Christ-Church, New College, Magdalen, and St. John's have been mentioned. Every College had a Chaplain or Chaplains, who were sometimes Fellows, sometimes distinct Officers, and elected under different conditions. Bible Clerks, to read the Bible in Hall, and College servants, such as porters, manciples, cooks, barbers, &c., formed in some cases a part of the original foundations.

All Souls, where there are none but the Warden and Fellows, with Chaplains and Bible Clerks, and New College and Magdalen, which admit only Gentleman-Commoners besides the Members of the foundation, answer in the present day to the original idea of a College as presented by the Statutes of the mediæval Founders.

The *rule of study* was—

1. An application to the old University system, or a certain portion of it. This system consisted, firstly, of a course of general study called Arts, and sometimes in the Statutes "Philosophy," divided into two periods which were marked by the degrees of Bachelor and Master; secondly, of the three Faculties of Theology, Law (civil and canon), and Medicine; each of which, like Arts, was divided into two periods, marked by the degrees of Bachelor and Doctor. Arts occupied seven years, Theology twelve, Law and Medicine six each, after taking the highest degree in Arts; so that the whole University course occupied thirteen or nineteen years. The Fellow was generally required by Statute, and, it is believed, everywhere expected, after completing his course in Arts, to proceed in one of the Faculties, and in the great majority of instances in the Faculty of Theology; a few exceptions were made in favour of Law, and a still smaller number in favour of Medicine.

2. A system of College Exercises. These are unknown to the Statutes of some of the earliest Colleges. They appear at Queen's, and assume considerable importance at New College and in the subsequent foundations. They

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consisted of disputations performed in the College hall a certain number of times each week in the then subjects of Academical study by the Students of the respective subjects, who were bound to appear and take part under penalties. These exercises were analogous, and, probably, preparatory to those performed in the public schools of the University; and in some instances Deans, analogous to the University Deans of Arts and Faculties, were appointed to preside over them.

To study, not to teach, was the business of the Fellows. The Founder of Queen's College has even expressly stated that he intends his benefaction to relieve his Fellows from the necessity of teaching. At New College, however, the sum of 100 shillings yearly was ordered by the Statutes to be paid to certain of the Senior Fellows who were to be appointed triennially to instruct the Juniors; and in some of the later Colleges, Lecturers were established by the Founders. At Magdalen and Corpus, three of the Fellowships were united to Prælectorships, the holders of which were to lecture, both privately to the Members of the College, and publicly to all Members of the University. It was the intention of Wolsey to found at Christ-Church Prælectorships of the same nature.

The *rule of life* was in the earliest Colleges comparatively simple. In the Statutes of New College it assumed a more elaborate form, which was adopted, with modifications, by subsequent Roman Catholic Founders. In its simpler form, at Merton, it included common meals, during which the Bible was to be read and silence kept, the use of the Latin tongue, uniformity in dress, strict obedience to the Head and College Officers, terminal scrutinies for the purpose of inquiring into the life, morals, and progress in studies of all the Members of the College, and a system of surveillance to be exercised by the Senior Fellows over the Juniors. At New College it extended to very minute particulars regarding behaviour, manners, and dress, dictated the private prayers of the Fellows, forbade them to go out of the College without a companion, and established a system of secret denunciation. Provisions are also found against the admission of women, and against entering the houses of "laymen," that is, inhabitants of the town who were not Members of the University. In the most recent Colleges many of these provisions disappear, but the rule of life still retains some features of a monastic or mediæval character.

Regular attendance at the services of the Church was required of all Members of the College, as well by Protestant as by Roman Catholic Founders; and by some Roman Catholic Founders, as those of New College, Magdalen, All Souls, and Corpus, a number of special services and processions were prescribed.

Residence was in all cases required. At Merton it was ordered that a rateable deduction should be made from the stipend of all parties who stayed away from the schools, except on the business of the College. In other instances the number of days during which the Fellow or Scholar might be absent in the year was limited, a power being reserved to the Head, either alone or in conjunction with other Officers, of giving extra leave of absence on extraordinary occasions. The number of Fellows who may be absent at the same time was sometimes limited.

The principal emoluments of a Fellow or Scholar consisted of a fixed sum, paid annually or weekly, for their maintenance, and frequently termed in the Statutes their *communiæ* or commons. In addition to this there was sometimes an annual dole of cloth for garment, and occasionally a small yearly gratuity in addition to the commons. At All Souls there was a loan fund for the benefit of the Fellows; and at New College, an allowance for the payment of fees on taking degrees, when the Fellow was too poor to pay them himself, and had no friend who could assist him. Each Member of the College, of course, enjoyed the use of the College hall and library, and the attendance of the College servants, as well as a chamber, or, in the mediæval Colleges, a share of a chamber. No annual division of surplus receipts, whether arising from fines or other sources, among the Fellows, seems to be contemplated by the Statutes. An exception occurs in the case of the Tesdale and Wightwick foundation at Pembroke, where, however, it is limited by an injunction to increase the number of the Fellowships when the estate permits. The number of Fellows was also ordered to increase with the estate at Merton, Oriel, Exeter, and Queen's.

The qualifications of a person to be elected Fellow, as they are variously laid down, must be sought in the different Statutes. As much stress was generally laid on moral and social as on intellectual qualities, and the intellectual qualities required were usually rather those of a Student than of a Teacher or a learned man. Candidates for Fellowships at New College were required to undergo an examination; but in general no examination was enjoined by Statute. A period of probation, varying from six months to two years, was generally employed to test the qualifications of the Fellow elect. During this period he enjoyed the emoluments, but exercised none of the powers of a Fellow, and commonly bore the name of *Scholaris*, that of *Socius* being appropriated to the actual Fellow.

Poverty was also so much insisted on as a qualification for a Fellowship, that the Colleges may be said to have been eleemosynary as well as literary and ecclesiastical foundations. In some cases the Fellow elect was required to swear that he did not possess above a certain amount of property. In others the Fellowship was limited to *pauperes*, *pauperes et indigentes*, *pauperes in facultatibus*. The limitation at Merton is to *indigentes*; and Archbishop Peckham, Visitor of the College, fourteen years after the date of the Statutes says, "Moreover in receiving Scholars ye seem in various ways to attempt to over-"throw the sacred purpose of your Founder. In the first place, in that ye "ought only to receive the indigent, as is shown in the eleventh (thirteenth?) "chapter of the Regulations, whence it appears that ye have no liberty to "receive such as have sufficient to provide for their necessities, either with "their own means or at the expense of their parents, or such as are employed "in any business or occupy any situation which brings them a competence."—*Ordinances of Archbishop Peckham*, c. 12.

The Statutes also provide that Fellowships shall be forfeited on accession to a certain amount of property, or a benefice of a certain value.

Celibacy was expressly imposed on the Fellows of most Colleges. At some, as Merton, Balliol, Queen's, Oriel, Lincoln, it was not expressly imposed; but at Balliol, Queen's, and Lincoln, where all the Fellows were required to take orders, it was imposed by implication, and in all cases it would be practically enforced by the rule of life and the obligation of residence. The Heads were generally required to be in Priests' orders, and where this was the case they would be thereby bound to celibacy; in other cases the hindrances to marriage, arising from the rule of life and residence in College chambers, would be as strong in their case as in that of the Fellows. The Heads of Jesus and Wadham Colleges, which were founded after the Reformation, were forbidden by their Statutes to marry.

Almost all the Fellowships were confined by restrictions of birthplace, school, or family, or by limitations to the Scholars on the foundation. Some of the Scholarships were in like manner confined to certain localities or schools. The Fellows of All Souls were required to be between the age of 17 and 26; and restrictions of age were common in the case of Scholarships. Restrictions as to University standing were also not uncommon.

The great majority of the Fellows were required to take Priests' orders within a certain period after their election. The Chaplain-Fellows were required to be in orders at the time of their election. Provisions are found in some of the Statutes forbidding the Priest-Fellows to celebrate mass except in the College chapel.

In some of the later foundations, as at Wadham, Worcester, and the Michel foundation at Queen's, the Fellowships were terminable.

Each College was governed and its property administered by a Head, who was assisted in government by Deans or Censors, and in the administration of the property by Bursars or Treasurers. He was represented when absent, and in some instances assisted when present, by a Vicegerent.

The Head was elected by the Fellows, or by a seniority of them, and they were generally confined in the election to those who were or had been Members of their own body. He was confirmed by the Visitor. His qualifications were suitable to his office, and he was generally required to be above 30 years of age, and in Priest's orders.

The Fellows were elected by the Head and Fellows, or by a seniority.

The Scholars were elected by the Head and Fellows, or by a Board of College Officers, as at Magdalen.

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Each College, except Balliol and the Colleges of Royal Foundation, had a Visitor nominated by the Founder, whose duty was—1. to hear appeals and interpret the Statutes; 2. to visit at certain periods, either in person or by commission, for the purpose of inspection and reformation. The second power was not always conferred by Statute.

In the earlier Colleges, each Fellow, on his admission, took a simple though unqualified oath of obedience to the Statutes. The Founder of New College introduced a long and elaborate form, by which the Fellow not only bound himself to observe the Statutes literally and grammatically, and resist any alteration in them, but also to perform all his various duties as a Fellow towards the College and its authorities. This form of oath was adopted, with modifications, by subsequent Roman Catholic Founders, the Founder of Magdalen adding a solemn adjuration, and the Founder of Corpus a pecuniary bond. The Statutes were to be read aloud annually or terminally to all the members of the foundation.

A power of making new rules subordinate to the Statutes was sometimes given to the College or its authorities, but no power of altering or repealing the original Statutes was anywhere reserved either to the College, the Visitor, or any other person: and in some important instances such a power was expressly denied as well to the Visitor as to the College.

All appeal, except to the Visitor, and all legal remedy against the College, was expressly denied to the Members of the College by the Statutes; and a renunciation of such remedy was sometimes included in the admission oath.

The Statutes are silent as to the relation which the Founders expected their Colleges to bear to the University. A strong College feeling was commonly encouraged: and in some instances, as at Brasenose, the Fellows were bound to vote together in the election of University Officers; an obligation clearly inconsistent with any strong feeling of duty towards the University.

The Colleges have now become the University, and have absorbed all the functions of that institution, both educational and literary. Its Students must all be Members of one of these Societies. Their Heads furnish its Vice-Chancellors, and form its Board of Executive Governors: their Fellows are its Teachers, its Examiners, its Proctors, its learned men, and its ordinary Legislature. The only elements of the University external to the Colleges are the staff of Professors and the five surviving Halls. And as regards even these, it is to be remarked, that most of the Professors are elected by the Members, and, to a great extent, by the Heads and Fellows of Colleges; and both they and the Heads and Tutors of the Halls are for the most part Ex-Fellows. Two of the Halls, St. Mary and New Inn Hall, are, to a considerable extent, tenanted by Undergraduates who have left Colleges with a "*bene discessit*," or "liceat migrare."

All the Colleges except All Souls, New College, and Magdalen have been opened for the reception of Commoners, who, in most instances, form the most numerous portion of the College.

The function of teaching has been superadded to the statutable duties of a Tutor; and Tutorships, limited in number, have been established in all the Colleges. The Tutors are nominated solely by the Head, and are almost invariably chosen from the number of the Fellows. There are a few exceptions, principally in the case of persons who, having been appointed as Fellows, have retained their Tutorship after the expiration of their Fellowship.

Where College Lectureships were instituted by the Statutes, they have, it is believed, been generally combined with the Tutorships. One of the three Prælectorships at Corpus, and two of the three at Magdalen, appear to have become extinct; and the remaining Prælectors in those Colleges have ceased to lecture to the University.

The rule of study imposed by the Statutes, as regards the Graduate Fellows, has, with the change of the University system, become wholly obsolete. The Degrees enjoined by the Statutes are still taken; but those in Theology and Law, as well as that of Master in Arts, have long since degenerated into a form. The Degree in Medicine alone retains anything of reality.

The rule of life, as regards the Graduate Fellows, has also ceased to be observed. Its only remnant consists in the use, which is no longer obligatory, of a common Hall, and the retention of a few old customs.

The Graduate Fellows have become entirely emancipated from all discipline and from the superintendence of the College Officers. They form the governing, and, as they supply the Tutors, the educating body of the College, while the Undergraduates form the governing and educated body.

Residence, in the case of actual Fellows not holding College offices, is in all cases entirely dispensed with.

The prayers and masses for the souls of deceased Founders and Benefactors, enjoined by the Statutes, ceased to be performed at the period of the Reformation. The commemorations of Founders and Benefactors, appointed by the Statutes, are celebrated in a Protestant form.

The Roman Catholic services and processions enjoined by the Statutes ceased to be performed at the Reformation; and attendance in chapel is never enforced upon the Graduate Fellows.

All the statutable duties of a Fellowship having thus become obsolete, the Fellowships are sinecures, with the exception, perhaps, of those which are held by Tutors, and which may be considered as forming a part of their otherwise inadequate stipend. A certain, but very small number may be likewise regarded as forming prizes for academical merit bestowed by examination.

The College estates have increased both by the general increase in the value of property and by benefactions: and after the payment of the stipends fixed by Statute for the different Members of the foundation, a surplus remains, which is divided among the Head and actual Fellows, and forms the principal portion of their present emoluments.

A large number of livings has been acquired by benefaction or purchase, a fund being sometimes set apart for the purpose. The nomination to these livings, respecting which the Statutes are entirely silent, is, we believe, always regulated by the same customary rule, that of passing the vacant living down the list of Fellows.

New Fellowships and Scholarships have been added to the Foundations of some Colleges; and at Queen's and University Bye-Fellowships, terminable within a certain period, have been founded.

A considerable number of exhibitions has been founded at various Colleges within the last two centuries. These exhibitions are tenable by Undergraduates, and are therefore as educational charities, better adapted than the Fellowships to the present system of University education.

The statutable qualifications of a Fellow having reference to his statutable duties as a Student under the old system of education and discipline, have ceased to form an appropriate guide to the electors.

The period of probation has become, as a test of moral qualifications, almost, and as a test of intellectual qualifications entirely, a form. At some Colleges its place as an intellectual test is supplied by an examination. Testimonials of moral conduct are universally required, though in one or two instances the requirement has been dispensed with.

The restrictions on property, where the amount is specified, have been construed to apply only to real, to the exclusion of personal property, although the framers of the Statutes clearly intended them to apply to all descriptions of property then known or recognised. The restrictions on the tenure of benefices have been held to apply to the value rated in the King's books, and thus benefices of considerable value are sometimes held with Fellowships.

The general restrictions of Fellowships to poor and indigent persons have ceased to be observed. Persons answering to that description do not now resort to the University; nor would they be able to afford the course of residence necessary to the attainment of a B.A. Degree, which is generally required as a qualification for a Fellowship. Attempts to distinguish between the circumstances of Candidates are, however, sometimes made, rather perhaps by individuals than by Colleges.

The clerical character being now confined to the orders of Bishops, Priests, and Deacons, general restrictions, whether express or implied, to *clerici* have become void; and the Fellowships of All Souls, which are limited by Statute to those who have received the first clerical tonsure, are now lay Fellowships.

The Statutes which require holy orders or Priest's orders at the time of election, or within a certain period after it, are still enforced, though changed, as regards the intention of Roman Catholic Founders, by the changes which the Reformation made in the character and functions of the priesthood. At

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Oriel and Merton, where orders are not required by Statute, they have been imposed on the majority of the Fellows by a bye-law of the College.

Where orders are not required till a certain period after the election, the Statute is construed, though contrary to its probable intention, as creating a terminable lay Fellowship.

Celibacy is everywhere enforced upon the Fellows, whether enjoined or not by the Statutes.

The Heads are everywhere permitted to marry, and enabled to take advantage of this liberty by being lodged in houses of their own instead of their original chambers. The Warden of Wadham has been released from the Statute prohibiting him to marry by Act of Parliament. In the case of Jesus, the provision forbidding the Principal to marry is omitted from his oath.

The restrictions of birth-place, school, and family, imposed on the elections of Fellows, as well as the limitations in favour of Scholars on the foundation, being enforced by private interest, are generally observed, and in some cases they have even been tightened beyond the Statute by the conversion of preferential or conditional into absolute limitations. Great confusion naturally prevails as to the interpretation of the conditional limitations, the condition having reference to duties which have ceased to be performed.

The restrictions respecting age and degree are still generally observed.

The Visitors continue to receive appeals, which they try privately, with the exception of the Crown, which tries appeals in the Court of Chancery. They have long ceased to visit their Colleges, or to interfere spontaneously for the enforcement of Statutes, the correction of abuses, or any other purpose.

The oaths to observe the Statutes are sworn as before.

APPENDIX AND EVIDENCE.

APPENDIX.

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APPENDIX A.

[See Report pp. 1, 59, 93, 102, 152.]

Correspondence between Lord John Russell, the Duke of Wellington, and the Hebdomadal Board.

The following Correspondence has been laid before Parliament.

1.

My Lord Duke,

Letter of Lord John Russell to the Duke of Wellington.

Having announced in my place in Parliament the intention of Her Majesty's Ministers to advise that a Royal Commission should be appointed to inquire into the state and revenues of the Universities of Oxford and Cambridge; into the provisions of the statutes by which the said universities and their several colleges are governed, and to report their opinions whether any measures can be adopted by the Crown or by Parliament by which the interests of religion and sound learning may be promoted in the conduct of education in the said universities, I am anxious to explain to your Grace the views of Her Majesty's confidential servants in recommending this measure for Her Majesty's approbation.

I will not enter here into the question of the legality of such a commission. Had it been proposed to exercise powers going beyond inquiry and report, such a question might enter into consideration. But the present commission will be a commission to receive evidence and to report opinions, without powers to determine any question or to prescribe any course. It becomes the more expedient that the views which are entertained on the subject should be explained.

No one will now deny that in the course of three centuries the increase of general knowledge, the growth of modern literature, the discoveries of physical and chymical science have rendered changes in the course of study at our national universities highly expedient. The universities themselves have acknowledged this expediency, and very large reforms of this nature have been adopted both at Oxford and Cambridge. These improvements, so wisely conceived, reflect the highest credit on those learned bodies.

The object of the proposed commission is not to interfere with these changes, but to facilitate their progress; not to reverse the decisions of the Universities by an authority *ab extra*, but to bring the aid of the Crown, and, if necessary, of Parliament, to assist in their completion.

This can be done in two ways:—First, by ascertaining and recording, for the information of the Queen and the two Houses of Parliament, the new regulations which have been promulgated, and the mode in which those regulations are expected to take effect.

Secondly, by obtaining a knowledge of the obstacles which are interposed by the wills of founders, the retention of customs, and the decisions of competent authority to the full development of that large and improved system of study which the Universities have sought to establish.

I will explain the nature of the obstacles to which I allude.

In many cases the advantages and emoluments of the separate colleges are limited by the wills of the founders, either to the natives of some particular county or district, or to the scholars educated in a particular school, or in some instances to the descendants of the founder and his family. Such restrictions cannot fail to be injurious, and to be injurious in proportion as the field of choice is narrowed by the particular condition annexed to the advantages of the college. In other instances the directions of the founder's will cannot be complied with under the existing law, and in such instances it might fairly be considered whether the interests of learning and the wants of the country may not be better considered by an expansion of the governing statutes.

Matters of this nature, however, require deliberate and calm inquiry. Commissioners conversant with the state of our Universities, and versed in a knowledge of the general policy of our law, will be of essential service, as well in pointing out the path of safe improvement as in marking the dangers of heedless innovation.

Various questions may and must arise in the course of this inquiry. For instance, has the school which has the privilege of commanding fellowships or other advantages in any particular college fallen off or increased in numbers and consequence since the bequest was made? Has the family of the founder left few or many descendants to enjoy his bounty? In the case of religious services prescribed by the founder, but now prohibited by law, does it appear to be the wish of the founder that in case no such religious services could be performed the foundation was or was not to aid in the purposes of education? In the case of Royal foundations how far has the Crown the power of consulting the good of the university in the application of the endowment of a former Sovereign? These and similar questions require care for their investigation and prudence in their solution. For this purpose the utmost care will be taken in selecting commissioners who may not only be well qualified for their important task, but who may inspire confidence and respect by their character and position.

I have the honour to be, my Lord Duke,
Your faithful and obedient servant,
J. Russell.

May 8.
His Grace the Duke of Wellington.

2. LETTERS from the DUKE of WELLINGTON to LORD JOHN RUSSELL.

LETTERS FROM THE DUKE OF WELLINGTON TO LORD JOHN RUSSELL.

MY LORD, *London, May* 9, 1850, *at night.*

I HAVE had the honour of receiving your Lordship's letter of the 8th inst., upon the appointment of a commission to inquire into the state of the English Universities, which I propose to send for the consideration of the governing authority of the University of Oxford, and to request to have the assistance of the opinions of the members thereof in a report, before I shall address your Lordship on the subject of your letter.

I have, &c.
WELLINGTON.

MY LORD, *London, May* 17, 1850.

IN conformity with the intention which I assured your Lordship on the 9th inst. that I had formed, to send for the consideration of the Vice-Chancellor of the University of Oxford, and the Board of Heads of Houses, being the local governing authority of the University, your Lordship's letter of the 8th inst., as I was unwilling at this distance from the University to take upon myself to write upon topics so important without the benefit of their assistance, I now inclose a copy of their report, received this morning.

I have, &c.
WELLINGTON.

To the Right Hon. Lord John Russell.

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3. *To His Grace Field-Marshal the Duke of Wellington, K.G., Chancellor of the University of Oxford, &c.*

REPORT OF THE HEBDOMADAL BOARD TO THE DUKE OF WELLINGTON.

THE Board of Heads of Houses and Proctors present their most respectful acknowledgments to his Grace the Chancellor of the University for his communication to them of the 11th inst. through the Vice-Chancellor, inclosing a copy of a letter from Lord John Russell of the 8th inst., respecting the intended appointment of a Royal Commission to inquire into the state, revenues, and statutes of the Universities of Oxford and Cambridge, and of their respective colleges; and the Board proceed, according to his Grace's desire, to report to his Grace upon this important subject.

They gladly recognise on the part of Her Majesty's Ministers their earnest desire to promote the interests of religious and sound learning, as well as to advance the cause of education; their approbation, also, of the reforms and improvements adopted by the University, and their wish and intention not to interfere with those changes, but to facilitate their progress, and to bring the aid of the Crown, and if necessary of Parliament, to assist in their completion.

Objects of the Commission.

This is the declared object of the proposed commission, and this, it is further stated, can be effected in two ways:—First, by ascertaining and recording, for the information of the Queen and the two Houses of Parliament, the new regulations which have been promulgated, and the mode in which those new regulations are expected to take effect.

Secondly.—By obtaining a knowledge of the obstacles which are interposed by the wills of founders, the retention of customs, and the decisions of competent authority, to the full development of that large and improved system of study which the universities have sought to establish.

We beg most respectfully to submit to your Grace that whilst a Royal Commission, such as has been suggested, would in our opinion lead to many injurious consequences contrary to the intentions of Her Majesty's Ministers, it is also unnecessary in either of the purposes above specified.

Publicity of the new regulations of the University.

As to the first of those purposes, the Sovereign or the Parliament can at any time obtain from your Grace, through your Vice-Chancellor, or from the printed University statutes, ample information respecting all the new regulations, and the mode in which they are expected to take effect.

And as to the second purpose, respecting supposed obstacles from the wills of founders, or other similar causes, to the full development of that large and improved system of study which the Universities have sought to establish, we believe (confining ourselves of course to this University), that if the supposed obstacles anywhere exist, they produce no material effect upon the general academical system.

Collegiate statutes no obstacle to improvement.

For your Grace does not need to be informed that all our junior students are members at once of the University and of some college or hall. If they belong to any hall (the halls at Oxford being only places of study, not incorporated societies), then they are solely under the statutes of the University; but if they are members of colleges, which are all of them distinct corporations independent of one another, and in many respects independent of the University, still their studies, nevertheless, are regulated by the statutes of the University, and they receive instruction partly from the public professors, partly from tutors, appointed indeed within the colleges, but recognised also and controlled by the general statutes of the University.

This combination of professorial and collegiate instruction is most important and beneficial, and some of the late changes in our system have been designed to restore this combined instruction to greater efficiency, when it had suffered some temporary interruption from the unforeseen and unintended effects of earlier measures of reform. But experience proves that there is no reason to apprehend any obstacle to the full development of the University system, as to the instruction of the younger students, arising from any of the collegiate customs or statutes.

APPENDIX A.

The recent regulations are only the latest of several successive measures of academic reform. The studies of this place have not continued, as would appear to be assumed in Lord John Russell's letter of the 8th inst., the same, or nearly the same, during the last three centuries; nor is it only of late that they have been altered or enlarged.

Excellence of the Laudian system of instruction.

Two centuries ago—in 1636—the University revised the whole body of its statutes, and the academic system of study was admirably arranged at a time when not only the nature and faculties of the human mind were exactly what they are still, and must of course remain, but the principles also of sound and enlarged intellectual culture were far from imperfectly understood.

Reforms since 1800.

In process of time further changes and improvements became requisite, and the University has for the last half century, since the year 1800, been continually engaged in a series of academic reforms, designed to adapt the system to altered circumstances, or to the advanced state of science in some departments of knowledge; and if these reforms, however well designed, have not always so completely answered the expectations of their authors, or if they have not always met the wishes of all the members of the academic legislature, still from no quarter whatsoever has any obstacle or obstruction been opposed to the full development of the system of the University, and it cannot justly be said that our reformers have ever failed to produce their full effect through the supineness, indifference, or incompetency of the public instructors of our youth, whether the professors of the University or the tutors of colleges.

So far, then, as respects the University, its institutions, and its recent regulations, whether with reference to the University itself or to the aid derived to its institutions from the colleges, we humbly submit that a Royal Commission will obstruct, instead of assisting, the natural progress and improvement of the academical system; and this is the declared, indeed, the only declared object for the appointment of such a commission.

Various suggestions, indeed, are subsequently thrown out, and various questions raised, in Lord John Russell's letter to your Grace, bearing upon the state and well-being of the separate colleges, but only indirectly affecting the welfare of the University.

The Colleges not usually founded for purposes of education.

The several colleges in Oxford have been founded at various times from one to six centuries ago, in some few instances by Royal, but chiefly by private munificence. They have exercised an important and very salutary influence upon the discipline and the education of the University. But it should be observed that they have not been usually founded, or in all cases endowed, by subsequent benefactors directly for the education of youth, but for higher purposes.

The education of youth has, in most instances, been superadded to their other duties by the heads and fellows of colleges, of their own free will, to the great advantage of the community.

Restrictions on Fellowships not injurious.

It may very well be that modern founders and benefactors might, in some instances, improve upon the ancient regulations if they were creating colleges anew of their own bounty; but it does not follow that the former foundations and endowments, when they are in no instance injurious to the community at large, often highly beneficial, ought therefore to be disturbed. If the restrictions upon the elections to fellowships, for example, might in some cases be advantageously modified or removed, still their removal would not to any considerable extent benefit the cause of education or sound learning, and the nature and amount of the existing restrictions, moreover, have been greatly exaggerated.

Nature of the restrictions.

Fellowships are not commonly restricted to particular schools, but only scholarships, or probationary fellowships from which there is a subsequent election to the actual fellowships. The schools in question are for the most part our great public schools. The districts, again, from which confined fellowships are filled up often comprise several populous counties. It is not often, if ever, that the mere lineal descendants of founders have a claim to these, but the kindred of the founders traced collaterally, and also beyond the founder to his remote ancestors, and embracing therefore very many families, and opening a wide field of choice. The degree of preference, moreover, is often so slight, that what are called confined fellowships may be, and sometimes are, filled up from other districts besides what are perscribed.

If the colleges themselves would sometimes gain by the removal of such restrictions, the University at large, and the general course of education, would be but little affected by the change.

Tutors not necessarily appointed from the Fellows.

Tutors of colleges are not necessarily appointed from the fellows on close foundations, or from the fellows of colleges at all. Even the colleges themselves are sometimes benefited by the various provisions under which their fellows are elected. One uniform principle of election, or one kind of qualification or standard of merit, would be prejudicial to the general interests of the several societies, and through them to the country.

College foundations to be regarded in the light of trusts or vested rights.

But it should be especially recollected that in all instances trusts and vested rights have been created and have been sanctioned by the Crown or by Parliament, which could not now be generally abrogated without great detriment to the future interests of charity, and great injustice to the persons and families and districts interested in these endowments.

Similar remarks would apply to the statutes of colleges, which have also been supposed to require alterations through the aid of a Royal Commission.

Power of Visitors and Colleges to alter statutes.

In many instances there already exists some power to revise and alter ancient statutes, vested either in the Colleges or their Visitors. Wherever such powers are felt to be wanting or insufficient, and the colleges and their visitors desire additional powers of alteration, we do not doubt that the Legislature, upon a proper application made to them, would not be indisposed to confer such powers upon them. But for none of these purposes does the appointment of a Royal Commission appear to be requisite or desirable.

The preceding observations apply to the objects of the proposed Royal Commission with

reference to the University and to the colleges separately, and to the connexion between the colleges and the University in respect of education. In each of these relations the Commission would appear, we respectfully submit, to be uncalled for, if not positively injurious.

Injurious effects of the proposed Commission.

And, generally, we would take the liberty of expressing our conviction, that such a commission would entail several injurious effects upon the University, by no means contemplated by Her Majesty's Ministers.

However friendly their intentions towards the Universities and colleges, the appointment of such a commission, immediately succeeding the attacks repeatedly made by persons very inadequately acquainted with these bodies, would be commonly and naturally regarded as even designed to continue and to sanction these attacks.

It would obviously tend, also, not only to interrupt our labours and studies, but to check and obstruct the natural and healthy progress of improvement which has of late years proceeded as rapidly as is consistent with the proper working of the academical system.

Objections to its constitutional character.

And without entering into the question of the legality of a Commission appointed only to inquire and report, it is obvious that it would be of the nature of an unconstitutional proceeding, since it would seek to attain indirectly what could not be directly attained without an open violation of the constitution and of the rights and privileges of Her Majesty's subjects. And we respectfully submit that Her Majesty's dutiful and loyal subjects ought not to be exposed to the painful alternative of either withholding evidence from a Commission so appointed, lest they should betray their trusts and sanction a proceeding apparently unconstitutional, or of allowing Her Majesty's commissioners to listen only to imperfect information and partial statements upon subjects of great importance both to the Universities and the community at large.

Signed on behalf of the Board of Heads of Houses and Proctors,

F. C. PLUMPTRE, *Vice-Chancellor.*

Oxford, May 16.

APPENDIX B.

[See Report p. 1.]

Correspondence between Her Majesty's Commissioners and the University of Oxford.

The first step of Her Majesty's Commissioners was to invite the Authorities of the University to co-operate with them in the execution of Her Majesty's commands. Accordingly, three forms of such invitation were drawn up on the 21st of October, and sent out on the 25th and 26th of October, as here subjoined.

The Bishop of Norwich to the Chancellor The Duke of Wellington.

Oxford University Commission, Downing-street,
My Lord Duke, *October* 21, 1850.

Letter to the Chancellor of the University.

I have the honour of transmitting to your Grace, as Chancellor of the University of Oxford, a copy of the Commission which Her Majesty has been pleased to issue to myself, and six others named therein, commanding us to inquire into the State, Discipline, Studies, and Revenues of that University and its Colleges.

The Commissioners venture to express an earnest hope that, in the discharge of the duties which Her Majesty has laid on them, they may have the benefit of your Grace's sanction and influence.

They do not make any statement to your Grace of the course of inquiry which they shall adopt, as they desire to be guided in this, as much as possible, by the convenience of the University, and the suggestions which its authorities may be disposed to offer; but they beg to assure your Grace, that whatever they do will be done with a hearty desire for the welfare of the University, a lively appreciation of its present excellences, and a grateful remembrance of the benefits which it has conferred, and is daily conferring on the country.

I have, &c.
(Signed) S. Norwich.

The Bishop of Norwich to the Vice-Chancellor.

Mr. Vice-Chancellor, *Oxford University Commission, October* 21, 1850.

Letter to the Vice-Chancellor.

I have the honour of transmitting to you a copy of a Commission which Her Majesty has been pleased to issue to myself, and six others named therein, commanding us to inquire into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

As it is important that trustworthy information should be laid before Her Majesty, the Commissioners venture to express a hope that, in seeking such information, they may have your co-operation, and that of others whose position in the University entitles them to public confidence.

In determining the particular mode of prosecuting their inquiries, they desire to consult, as much as may be, the convenience of the University, and to proceed on the suggestions of its authorities; and whatever course they may be led to adopt, they trust that the result may be a fuller and more general appreciation of the great benefits which the country derives from the University and its institutions, and the removal of whatever may be felt as a hindrance to its still greater efficiency and usefulness.

I am, &c.,
(Signed) S. Norwich.

Letters to the Visitors of Colleges,

To the Visitors of the several Colleges.

To His Grace the Archbishop of Canterbury (and the other Visitors of the Colleges of Oxford.)

[My Lord Archbishop,] *Downing-street, October* 21, 1850.

Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, have the honour to enclose a copy of the Commission under which they act, and beg to express a hope that you will assist them in executing Her Majesty's commands, by co-operating with them through your authority as Visitor of [Merton and All Souls Colleges.]

(Signed) S. Norwich.

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and to the Authorities of the University generally.

To the Heads of Colleges or Halls, the Professors, the Proctors, and other Public Officers of the University.

Sir, *Downing-street, October* 21, 1850.

Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, have the honour to enclose a copy of the Commission under which they act, and beg to express a hope that you will assist them in executing Her Majesty's commands, by furnishing such information as may lie within your power.

(Signed) S. Norwich.

From the CHANCELLOR and the VICE-CHANCELLOR the following Replies were received.

ANSWER FROM THE CHANCELLOR.

Walmer Castle, Oct. 29, 1850.

F. M. the Duke of Wellington presents his compliments to the Lord Bishop of Norwich. He has received his Lordship's communication of the 21st instant, for which he returns his thanks.

The Lord Bishop of Norwich.

ANSWER FROM THE VICE-CHANCELLOR.

MY LORD AND GENTLEMEN, *University College, Oxford, Oct.* 29, 1850.

I BEG to acknowledge the receipt, this day, of your communication of the 21st October, addressed to the Vice-Chancellor of the University of Oxford, enclosing a copy of the Commission which Her Majesty has been pleased to issue, to inquire into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

I have the honour to be,
My Lord and Gentlemen,
Your obedient servant,

The Lord Bishop of Norwich, and the Oxford University Commissioners.

F. C. PLUMPTRE,
Vice-Chancellor.

ANSWERS FROM THE VISITORS.

From the VISITORS the following Replies were received.

From the ARCHBISHOP of CANTERBURY, Visitor of All Souls and Merton Colleges.

From the Archbishop of Canterbury.

MY LORD, *Addington, Oct.* 29, 1850.

IN reply to the letter which I have received from your Lordship, on the part of the University Commissioners, I write to say, that it will give me much pleasure to forward their views, in regard to the two Colleges of which I am Visitor. They will have the goodness to suggest to me, at the proper time, the particular interference which they desire me to exercise on their behalf.

I remain, my Lord,
Your Lordship's faithful Servant,

The Lord Bishop of Norwich.

J. B. CANTUAR.

From the BISHOP of EXETER, Visitor of Exeter College.

From the Bishop of Exeter.

MY LORD, *Bishopstowe, October* 30, 1850.

I YESTERDAY had the honour of receiving a letter from you, "on the part of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford," dated "Downing-street, October 21, 1850,"—"enclosing a copy of the Commission under which they act, and expressing a hope that I will assist them in executing Her Majesty's commands, by co-operating with them through my authority as Visitor of Exeter College."

I had hoped to be spared the necessity of saying anything on the subject of this Commission. But, thus called upon officially by your Lordship to become a party in the execution of it, I should be guilty of a culpable dereliction of my duty if I were to forbear expressing my sentiments on an occasion which I feel to be at once most important and most painful:—most important, by reason of the high interests involved in the issue,—most painful, because I cannot see, without the deepest concern and astonishment, the name of our present Gracious Sovereign used by Her advisers to "authorize and empower" your Lordship and your colleagues to institute an inquisition which no precedent could justify, and which, even if it can claim as precedents similar Commissions, issued within our own memory, for visiting other Corporations, has yet, as relates to the venerable bodies which are now concerned, had absolutely no parallel since the fatal attempt of King James II. to subject them to his unhallowed control.

It is under the solemn conviction that your Lordship and the other eminent persons who have consented to act on the Commission, have no right whatever "to call before you" any Members of the College of which I am Visitor, or "to call for and examine all such Books, Documents, Papers, and Records as you" may "judge likely to afford you" any "information" respecting that chartered body "on the subject of this Commission," that I shall require the Rector, Fellows, and other Members, to weigh well all the injunctions of their statutes before they can feel themselves at liberty to testify any deference to your authority. Especially I shall enjoin them, under the sacred obligation of their oaths, to beware how they permit themselves to answer any inquiries, or to accept any directions or interference whatsoever, which may trench upon that visitatorial authority, which their statutes, under the known law of the land, have entrusted solely to the Bishop of this See.

With great personal respect for your Lordship, and with unfeigned grief to be compelled thus to address you,

I have the honour to be,
My Lord,
Your Lordship's most obedient servant,

The Lord Bishop of Norwich.

H. EXETER.

APPENDIX B.

From the ARCHBISHOP of YORK, Visitor of Queen's College, a favourable Reply was received in a private communication.

From the Archbishop of York.

From the Bishop of Worcester.

From the BISHOP of WORCESTER, Visitor of Worcester College.

MY DEAR LORD, *Hartlebury Castle, near Stourport, Oct.* 27, 1850.

I HAVE received an official letter from you, as Chairman of the Oxford Commission, requesting that I would co-operate with the said Commission through my authority as Joint Visitor of Worcester College. It is hardly necessary that I should assure you that I will do so with pleasure, although I am not at present aware in what way my authority, as Joint Visitor of Worcester College, can be exercised for the advantage of the Commission.

I am, my dear Lord,
Yours faithfully,

The Lord Bishop of Norwich. H. WORCESTER.

From the Bishop of Oxford.

From the BISHOP of OXFORD, Visitor of Worcester College.

MY LORD, *Little Green, Oct.* 30, 1850.

I HAVE the honour of acknowledging the receipt (to-day) of your Lordship's letter of October 21, and I beg, in reply, to assure you that I shall feel it my duty to render any assistance in my power, and consistent with law, to the Commissioners of Her Most Gracious Majesty the Queen.

I am, my Lord,
Your obedient Servant,

The Lord Bishop of Norwich. S. OXON.

From the Bishop of Lincoln.

From the BISHOP of LINCOLN, Visitor of Balliol, Brasenose, and Lincoln Colleges.

MY LORD, 1, *Regent Street, October* 29, 1850.

I HAVE the honour to acknowledge the receipt of your letter, in which you enclose a copy of a Commission issued under Her Majesty's authority for inquiring into the State, Discipline, &c., of the Colleges in the University of Oxford, and express a hope that I will assist the Commissioners in executing Her Majesty's commands, by co-operating with them through my authority as Visitor of Lincoln and Balliol and Brasenose Colleges. I beg leave to observe in reply, that, in exercising my visitatorial authority, I am bound to confine myself within the limits prescribed by the founder for its exercise, as well as constantly to keep in view the purpose for which he conferred it—that of carrying into execution his intentions, as expressed in the statutes which he gave for the government of his College. As far as I can, consistently with the due fulfilment of these obligations, I shall be ready to assist the Commissioners in carrying into effect Her Majesty's commands.

I have the honour to be,
My Lord,
Your faithful Servant,

The Right Rev. the Lord Bishop of Norwich. J. LINCOLN.

The Bishop of Winchester, as Visitor of Corpus Christi College.

From the Bishop of Bath and Wells, Visitor of Wadham College, and from the Earl of Pembroke, Visitor of Jesus College, no answers have been received. From the Bishop of Winchester, as Visitor of New College, Magdalen College, St. John's College, and Trinity College, no answer was received; but his opinion as Visitor of Corpus Christi College appears, in the Evidence from that Society.

Evidence, p. 338.

Those Visitors who had returned favourable answers were requested to recommend the several Societies of which they were Visitors "to assist and facilitate "the inquiry of Her Majesty's Commission."

With this request the Archbishop of Canterbury, the Archbishop of York, and the Bishop of Worcester complied by communications with their respective Colleges. The Bishop of Lincoln forwarded to the three Colleges of which he is Visitor a copy of the letter which he had addressed to Her Majesty's Commission. The following is the reply of the Bishop of Oxford:—

Second letter from the Bishop of Oxford.

MY LORD, *Fair Oak, November* 5, 1850.

I HAVE the honour to acknowledge your Lordship's communication of the 31st instant, and in reply to it would submit to their Lordships that it would be unbecoming in me, as Joint Visitor of Worcester College, to obtrude upon the Provost and Fellows, who are entitled to my utmost respect, any advice for which they had not applied to me.

I am, my Lord,
Your Lordship's obedient servant,

The Right Rev. the Lord Bishop of Norwich. S. OXON.

ANSWERS FROM THE HEADS of COLLEGES.

From the Heads of Colleges and Halls were received for the most part, courteous acknowledgments of the communication of the Commission, without further

expression of their intentions. These, with their subsequent communications, whether favourable or otherwise, will most conveniently appear in the Evidence, Part IV. From the Dean of Christchurch, alone, of the Heads of Colleges, no answer was received to any of the communications of the Commission. APPENDIX B.

From the Proctors, the Public Orator, the Vice-Chancellor's Assessor, and the Registrar, were received the following answers :—

MY LORD, *Christchurch, Oxford, October* 29, 1850.

ANSWERS FROM THE PROCTORS.

I HAVE had the honour to receive a copy of the Oxford University Commission, accompanying a letter from your Lordship on behalf of the Commissioners, respecting information, which it is requested may be furnished on the part of the University; and I beg to state in reply, that I am prepared to supply any information in my power so far as is consistent with my duty and obligations to the said University.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,
GEO. MARSHALL, *Senior Proctor.*

The Right Rev. the Lord Bishop of Norwich.

MY LORD, *Magdalen College, Oxford, November* 2, 1850.

I HAVE to acknowledge the receipt of a letter from your Lordship on behalf of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, enclosing a copy of Her Majesty's Commission, and expressing a wish that I would furnish to the Commissioners such information as lay within my power.

I shall be ready, if summoned by the Commissioners, to supply any such information, consistently with the rights of the University and my duty towards it.

I have the honour to be,
Your Lordship's most obedient servant,
WILLIAM G. HENDERSON, *Junior Proctor.*

The Lord Bishop of Norwich,
Oxford University Commission.

MY LORD, *Oxford, November* 16, 1850.

ANSWER FROM THE PUBLIC ORATOR.

I HAVE received your Lordship's letter, but it was unaccompanied by the copy of the Commission referred to in it. This oversight, however, is of little moment, as I have access to other copies.

Although I cannot bring myself to think that your Commission is of other than dangerous precedent for both Sovereign and people, I am fully aware that that is not a question between the Commissioners and myself; and, feeling this, I shall certainly not withhold from Her Majesty, or from those acting under her authority, any information which it is in my power to afford them with propriety.

I have the honour to be,
Your Lordship's most obedient humble servant,

The Right Rev. the Lord Bishop of Norwich. R. MICHELL, B.D., *Public Orator.*

MY LORD BISHOP, 11, *New-square, Lincoln's-inn, October* 26, 1850.

ANSWER FROM THE VICE-CHANCELLOR'S ASSESSOR.

I HAVE had the honour of receiving to-night, your Lordship's letter dated from Downing-street on the 21st of this month, and written on behalf of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, enclosing a copy of the Commission under which they act, and expressing their hope that I will assist them in executing Her Majesty's commands by furnishing such information as may lie within my power.

I will readily give you every assistance which I properly can give.

In order that I may be the better able to do so, will you have the kindness to let me know what is the nature of the information you desire, and what is the ultimate object for which it is sought.

Believe me, my Lord Bishop,
Your very faithful servant,
J. B. KENYON.

The Lord Bishop of Norwich,
&c. &c. &c.

October 30, 1850.

ANSWER FROM THE REGISTRAR.

THE Principal of St. Mary Hall begs to acknowledge the receipt of a copy of Her Majesty's Commission for visiting the University and Colleges of Oxford, together with the official letter by which it was accompanied, and to thank the members of Her Majesty's Commission for the attention.

The Right Rev. and Rev. Commissioners
for visiting the University of Oxford.

APPENDIX B.

ANSWER FROM THE BODLEIAN LIBRARIAN.

MY LORD, *Bodleian Library, Oxford, Nov.* 18, 1850.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 5th instant, enclosing a copy of Her Majesty's Commission for Inquiring into the State, Discipline, Studies, and Revenues of the University of Oxford, for which I beg to express my thanks to your Lordship.

I have the honour to be, my Lord,
Your Lordship's very obedient servant,

To the Lord Bishop of Norwich,
&c. &c. &c.

BULKELEY BANDINEL,
Bodleian Librarian.

ANSWERS FROM THE PROFESSORS.

From the Professors of the University the following answers were received:—

MY LORD, 38, *High Street, Oxford, October* 24, 1850.

From the Regius Professor of Modern History.

I HAVE to acknowledge your Lordship's letter of the 21st instant, on behalf of Her Majesty's Commissioners for Inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, enclosing a copy of the Commission under which they act; and I beg to say, in reply, that I deem it my duty to furnish such information to the Commissioners appointed to execute Her Majesty's Commands, as it may lie within my power to give.

I have the honour, my Lord, to be,
Your Lordship's obedient servant,

H. H. VAUGHAN, *Regius Professor of Modern History at Oxford.*

The Lord Bishop of Norwich.

MY LORD BISHOP, 11, *New-square, Lincoln's Inn, October* 26, 1850.

From the Vinerian Professor of Law.*

I HAVE had the honour of receiving, to-night, your Lordship's letter dated from Downing-street on the 21st of this month, and written on behalf of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, enclosing a copy of the Commission under which they act, and expressing their hope that I will assist them in executing Her Majesty's commands by furnishing such information as may lie within my power.

I will readily give you every assistance which I properly can give.

In order that I may be the better able to do so, will you have the kindness to let me know what is the nature of the information you desire, and what is the ultimate object for which it is sought.

Believe me,
My Lord Bishop,
Your very faithful Servant,

J. B. KENYON.

The Lord Bishop of Norwich,
&c. &c. &c.

MY LORD, *Christchurch, Oxford, October* 28, 1850.

From the Regius Professor of Divinity.

I BEG leave to acknowledge the receipt of the communication which you have done me the honour of making to me, in your capacity of Chairman of the Oxford University Commission, and to assure you that, in the event of Her Majesty's Commissioners deeming it expedient to address to me any inquiries concerning the Professorship to which the Queen was graciously pleased to appoint me, the same shall receive my immediate and best attention.

I have the honour to remain,
My Lord,
Your obedient Servant,

W. JACOBSON.

The Lord Bishop of Norwich,
&c. &c. &c.

MY LORD, *Oxford, Monday, October* 28, 1850.

From the Regius Professor of Medicine.

I BEG leave to acknowledge the receipt of a communication, signed by your Lordship, from Her Majesty's Commissioners for Inquiring into the State, Discipline, Studies, and Revenues of the University of Oxford, which arrived this morning.

If, instead of addressing my answer to your Lordship, I ought to have addressed it to the Secretary of the Commission, I trust your Lordship will forgive me on the ground of the early acquaintance which I had the happiness of making with your Lordship, and to which I always look back with great pleasure and satisfaction.

I am, my Lord,
With sincere respect,
Your obliged Friend,

J. KIDD.

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* From those Professors whose Letters are marked with an asterisk, no further communications were received. The answers of the others will appear in the Evidence.

From the Savilian Professor of Astronomy.

MY LORD, *Oxford, October* 28, 1850.

I HAVE the honour to acknowledge the receipt of your Lordship's letter, dated October 21, relative to the Oxford University Commission.

In reply, I beg to state that I shall be ready to furnish such information as may lie within my power.

I have the honour to be,
My Lord,
Your most obedient and humble Servant,
W. F. DONKIN,
Savilian Professor of Astronomy.

The Lord Bishop of Norwich,
Oxford University Commission.

From the Clinical and Aldrichian Professor of Medicine.

MY LORD, *Oxford, Monday, October* 28, 1850.

IN reply to a letter of yesterday's delivery (though dated the 21st inst.), bearing your Lordship's signature, and expressing a hope on the part of Her Majesty's Commissioners for Inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, that I will assist them in executing Her Majesty's commands by furnishing such information as may lie within my power, I beg your Lordship to accept the assurance that, when called upon, I shall be found ready to acknowledge the duty which I owe to Her Majesty in this matter, by facilitating, as far as in me lies, the purpose of the Commissioners to carry Her royal intentions into effect.

I have the honour to subscribe myself,
Your Lordship's obedient humble Servant,
J. A. OGLE, M.D.
Clinical and (also) Aldrichian Professor of Medicine, Oxon.

To the Right Rev. the Bishop of Norwich,
Oxford University Commission.

From the Lord Almoner's Reader in Arabic.

MY LORD, *Oxford, October* 28, 1850.

I HAVE received a letter from your Lordship, in the name of the Commissioners for Inquiring into the State of the University of Oxford, expressing a hope that I will assist them in executing Her Majesty's commands, in furnishing such information as may be in my power. I beg to state, in reply, that I consider it my duty to comply with this request.

I have the honour to be, my Lord,
Your Lordship's obedient Servant,
J. D. MACBRIDE,
Lord Almoner's Reader in Arabic.

To the Lord Bishop of Norwich.

From Lee's Reader in Anatomy.

MY LORD, *Oxford, October* 28, 1850.

I BEG leave to acknowledge the receipt of a letter which your Lordship has done me the honour to address to me on behalf of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

I shall consider it my duty to give the fullest consideration to such questions as Her Majesty's Commissioners may think fit to address to me, and, whenever I am at liberty, to furnish such information as may be within my power.

I have the honour to be, my Lord,
Your Lordship's obedient Servant,
HENRY W. ACLAND,
Lee's Reader in Anatomy.

To the Right Reverend
The Lord Bishop of Norwich.

From the Prælector of Logic.

MY LORD, *Balliol, Oxford, October* 28, 1850.

IN reply to your Lordship's letter, which I received yesterday, enclosed with a copy of the Oxford University Commission, I beg to say that I shall be most willing and happy to give, either orally or on paper, any information in my power which can assist the Commissioners in their most useful work; but, as I am now labouring incessantly to get some lectures written for delivery during the present term, I must beg the indulgence of two or three weeks before I can enter on any other work.

I have the honour to remain, my Lord,
Your Lordship's most obedient servant,
HENRY WALL, *Prælector of Logic.*

The Right Rev. the Lord Bishop of Oxford.

From the Professor of Moral Philosophy.

MY LORD, *London, October* 29, 1850.

I HAVE received your communication, and shall be glad to furnish any information connected with my Professorship that may be of service to you.

I am, my Lord,
Your obedient Servant,
J. M. WILSON,
Professor of Moral Philosophy.

Appendix B.

Answers from the Professors.

From the Reader in Mineralogy.

My Lord, *Ashmolean Museum, Oxford, October* 29, 1850.

I have to acknowledge the receipt of a communication from your Lordship, on the part of the Oxford University Commission, in which a hope is expressed that I will furnish such information as may lie within my power, with a view to assist the Commissioners in the execution of Her Majesty's commands.

I beg, in answer, to state that in whatever way I may be able to assist Her Majesty's Commissioners in executing the commands they have received, I shall be very happy to co-operate with them, and to furnish what little information it may be in my power to provide.

I have the honour to be, my Lord,
Your Lordship's obedient and faithful Servant,
Nevil Story Maskelyne,
Deputy Reader in Mineralogy at Oxford.

To the Right Rev. the Lord Bishop of Norwich,
&c. &c. &c.

From the Laudian Professor of Arabic.*

My Lord, *Oxford, October* 30, 1850.

I have the honour of acquainting your Lordship that I have received your Lordship's letter, on the part of Her Majesty's Commissioners, dated 21st of October.

I have the honour to be,
My Lord,
Your Lordship's most obedient and humble Servant,
S. F. Reay.

From the Regius Professor of Ecclesiastical History.*

My Lord, *Beaumont-street, Oxford, October* 31, 1850.

I have had the honour to receive a letter, signed by your Lordship, in the name of the Oxford University Commission.

In reply, I have merely to say, that although I do not shun inquiry (having always endeavoured to do my duty in the University), there is nothing which I wish to bring before the Commissioners.

I am,
Your Lordship's humble Servant,

To the Lord Bishop of Norwich. Robt. Hussey,
Regius Professor of Ecclesiastical History.

From the Professor of Anglo-Saxon.*

My Lord, *Oriel, November* 2, 1850.

I have had the honour to receive a letter from your Lordship, together with a copy of the Royal Commission, which reached me on the 27th of October.

In your Lordship's letter I am requested to assist the Commissioners in executing Her Majesty's Commands, by furnishing such information as may lie within my power. I beg to return answer, that I entertain a sincere hope that it may be in my power to satisfy the requirements of Her Majesty's Commissioners.

I have the honour to be, my Lord,
Your Lordship's humble Servant,

To the Right Reverend J. Earle,
The Lord Bishop of Norwich. *Professor of Anglo-Saxon.*

From the Reader in Experimental Philosophy.

My Lord, *Wadham College, Oxford, November* 2, 1850.

I should have acknowledged your letter (on the part of Her Majesty's Commissioners) earlier had it not been for a few days' absence from Oxford. I beg, however, now to assure you that I shall be happy to answer any question you may please to put, as far as I am able, and to supply any other information in my power.

I have the honour to subscribe myself,
Your Lordship's obedient Servant,

The Lord Bishop of Norwich. Rob. Walker,
Reader in Experimental Philosophy.

From the Regius Professor of Civil Law.

My Lord, *Doctors' Commons, November* 6, 1850.

I have to acknowledge your Lordship's communication of the 21st ultimo, and to express my regret that, owing to some mistake (occasioned probably by my absence from London), it has not reached me as soon as it ought to have done.

In reply, I beg to state that I shall be very willing to give Her Majesty's Commissioners every information I may happen to possess as to the subject matter of their inquiries.

I have the honour to be,
My Lord,
Your Lordship's faithful Servant,

The Right Rev. Lord Bishop of Norwich, Joseph Phillimore.
&c. &c. &c.

From the Margaret Professor of Divinity.*

My Lord, *Heppington, Canterbury, November* 8, 1850.

I have the honour to acknowledge the receipt of a letter from your Lordship on behalf of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, and expressing a hope that I would assist them by furnishing such information as may lie within my power.

Without at all supposing that I have any information to communicate to which there is not a ready access through other channels, I beg respectfully to decline a course of action by which I should consider myself as weakly compromising the established privileges of my Professorship, and so far of the University at large, by acquiescing in an inquisition against which I am bound to protest as an unconstitutional stretch of prerogative, fraught with immediate evil, and still more dangerous as a precedent.

I have the honour to remain,
My Lord,
Your faithful and obedient Servant,
GODFREY FAUSSETT,
Margaret Professor of Divinity.

The Lord Bishop of Norwich,
&c. &c.

SIR, *Radcliffe Observatory, Oxford, Nov.* 8, 1850.

From the Radcliffe Observer.

I BEG to acknowledge the receipt of a communication dated the 7th instant, and signed by the Bishop of Norwich on the part of the Oxford University Commissioners.

With regard to the Radcliffe Observatory, as it is neither maintained nor recognised by the University, I conceive that an inquiry into its affairs does not fall within the province of the Commission. I must, therefore, respectfully decline making any official communication about them.

Everything connected with its management is, I believe, pretty generally known, as are also my own and assistants' emoluments. If the Commissioners require any information on these points, I beg to refer them to the Radcliffe trustees.

I have the honour to be, Sir,
Your obedient humble servant,
M. J. JOHNSON.

MY LORD, *Oxford, November* 12, 1850.

From the Professor of Botany and Chemistry.

HAVING been absent from home, it was only yesterday that I was able to peruse your Lordship's letter of the 21st of October, expressing "on the part of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford," a hope, that I will assist them in executing Her Majesty's commands, by furnishing such information as may lie within my power.

Individually, I am of opinion that if an inquiry of this description is determined upon, it ought, in justice to the University itself, to be as complete and as comprehensive as possible; and I should therefore feel disposed to communicate to Her Majesty's Commissioners all the information that I can undertake to furnish on my own responsibility.

But your Lordship must be aware that, as a Fellow of a College, I cannot go counter to the express directions of the Visitor, or even to the deliberate voice of the Society of which I am a member, on such matters as those in which we are jointly concerned; and that it would therefore be premature for me at the present moment to pledge myself further than to the extent of offering any information respecting the appointments in the University which I hold, that it may be in my power to afford, beyond those particulars which, as the Commissioners are probably aware, were laid before the public some years ago by myself, with the intent of forwarding, so far as I was able, those changes in the Academical System of Oxford which have recently been carried into effect by the University itself.

I have the honour to be,
My Lord,
Your Lordship's most obedient and humble Servant,
CHARLES DAUBENY,
Professor of Botany and Chemistry in the University of Oxford.

To the Right Reverend the Lord Bishop of Norwich.

13, *Cambridge-street, Hyde Park,*
November 28, 1850.

SIR,

From the Professor of Music.

I HAVE the honour to acknowledge the receipt of communications from Her Majesty's Commissioners for the University of Oxford, dated the 28th of October and the 18th inst.

In obedience to the desire of Her Majesty's Commissioners, I beg leave respectfully to inclose herewith the statements requested of me in relation to my office; in which statements I have endeavoured to the best of my ability to answer the questions proposed.

Any further information Her Majesty's Commissioners may do me the honour to require, I shall, if in my power, be very happy to afford.

I have the honour to be, Sir,
Your most obedient, humble Servant,
HENRY R. BISHOP, Knt.,
Professor of Music, Oxon.

MY LORD,

From the Professor of Poetry.*

I HAVE the honour to acknowledge the receipt, under your Lordship's signature, of an invitation from the University Commissioners to assist them, by any information I can furnish, in carrying out Her Majesty's commands; and of a copy of the Commission itself under which they act.

Replies to any questions touching my own office I see no reason to withhold; though indeed I can furnish no information which, like all that regarding the general emoluments of the Professorships of the University, is not already patent to the world.

But beyond that I respectfully decline to go. I cannot aid in an object which I condemn,

and an inquisition against which I protest; but in thus declining to co-operate with the Commission, I beg to assure you that I have no predilection for antiquated abuses—no wish to shun legitimate investigation—and no antipathy to change.

I am anxious that the venerable and powerful institutions which are now to be put on their trial, without distinct charge or avowed accusation of any sort, should be rendered available, as far as may be, to the intellectual, moral, and religious service of the whole commonwealth. I desire that they should adopt every science, foster every liberal pursuit, invigorate every faculty; and that every department of man's culture should be freely developed within their bosom, and under their protection.

I rejoice at the recent extension of our studies, and the enlarged views which will vindicate in men's eyes our claim to educate the nation. I approve of any arrangements which, by cheapening education, shall extend its blessing, which shall brace and purify our discipline, and even by legislative enactments co-operate with individual societies in removing restrictions which manifestly narrow their utility and mar the real objects of their founders. Let public opinion, and intelligent discussion, and the force of reason, by all means be brought to bear on these great bodies. They are largely open to such influences, though not servilely subject to them: their members are neither, generally speaking, bigots nor recluses, and are united in a thousand ways with the busy practical world on which they act, and by which they are in their turn acted upon. But no statesman who can value in the mid-sea of popular impulses a refuge for independent opinion, no Churchman who discerns the connexion between sound religion and useful learning, no Englishman who cherishes that traditional respect for ancient rights which divides change from revolution, will, in my opinion, sanction any invasion from without to attain an end however in itself desirable. The rights of property, the independent action of the Universities within their immemorial educational province, and the distinctive religious and Church character which has from the earliest times consecrated and moulded, happily for the nation, our academical studies, must be held inviolate.

No respect for the abilities, attainments, and position of the members of your body can remove from thoughtful men the apprehension that formidable innovations, and in our opinion disastrous changes, are contemplated under the present Commission, to ascertain what, for all practical purposes, is really already known. There is nothing to re-assure us of the future. Honourable names and good intentions in those who are but instruments in the hands of another power, cannot reconcile us to a dangerous principle and an ill-omened precedent. Evil is intended, otherwise the inquiry would not be prosecuted against the solemn, moderate, and dutiful remonstrances of the Universities themselves, in face of the pledge they have recently given to the State of their anxiety for any re-adjustment in harmony with the age, which is not incompatible with their independence, immemorial rights, and religious character. Never, if real improvement, *according to their own principles,* were the object, could interference be more ungracious, impolitic, or self-destructive. I say nothing of the jealousies the Commission will engender, the dissensions it will provoke, the new elements of discord which it throws into a community already rent to pieces of itself. We crave peace and you give us chaos. But, if all objections on the score of expediency were removed, I should oppose the present Commission as illegal and unconstitutional *in its whole spirit and purpose* if not in the letter, and in an age of professed, and in many points real liberalism and improvement, a despotic stretch of antiquated prerogative. It recalls the worst times, and the worst precedents Absit omen!

I remain, my Lord,
Your humble obedient Servant,

The Lord Bishop of Norwich. ISAAC GARBETT.

MY LORD, *Christchurch, March* 26, 1851.

From the Regius Professor of Hebrew.*

I DELAYED answering your letter, inviting me to give evidence before the University Commission, because I did not know at that time in what way my answer ought to be framed; I understood that there were grave doubts about the legality of the Commission. I was also very strongly convinced that the only sound and solid reforms in the University system must come from the University itself. Such reforms have been carried on, I believe, with good effect all through the present century. What is yet lacking will, I trust, be supplied not the less solidly, even although slowly.

I would gladly have given any information in my power, but I felt convinced that I could not recognize the rights thus to inquire, without recognizing thereby the right to recommend and ultimately to legislate for the University, which would, I feared, be destructive to its well-being.

But before I should send my answer, I thought it more respectful to wait to know what would be the answer given to the case submitted for legal opinion.

Having to-day seen this, I beg respectfully to decline appearing before the Commission, or returning any answer upon the ground set forth in it.

I fear that my long silence has been misinterpreted, but I waited in continual expectation of the answer to the case submitted to Counsel.

I remain,
Your Lordship's humble Servant,

The Right Rev. the Lord Bishop of Norwich,
Chairman of the Oxford University Commission.
E. B. PUSEY.

From the Professor of Exegesis,* the Professor of Political Economy, and the Professor of Sanscrit.

The answers of the Professor of Exegesis, the Professor of Political Economy, and of the Professor of Sanscrit, appear in the Evidence.

Fourteen successive meetings were then employed in the compilation of seven papers of questions, which are subjoined.

The first and most important, as embracing the widest range of inquiry, was sent to all Heads of Colleges and Halls, to all Professors and public officers of the University of Oxford, and to other eminent persons who were thought capable of furnishing evidence on the points therein enumerated.

Heads of Inquiry addressed to the Authorities of the University and other eminent persons.

Oxford University Commission, Downing-street, November , 1850.

SIR,

HER Majesty's Commissioners for the University of Oxford being charged with the duty of reporting to Her Majesty on the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, and required also to report their opinions on the subjects referred to them, are anxious to obtain information and suggestions from persons who, by their station and experience, merit public confidence. They therefore request that you will communicate to them whatever, in your judgment, may assist them in the formation of their opinions, and enable them to give a faithful representation of the present condition of the University. While they will be glad to receive from you any communication bearing on the subject of their inquiry, they beg leave to call your attention specially to the following points:—

1. The possibility of diminishing the ordinary expenses of a University education, and of restraining extravagant habits.
2. The sufficiency of the powers which the authorities possess to enforce discipline.
3. The power of the University to make, repeal, or alter statutes.
4. The mode of appointing the Vice-Chancellor and Proctors.
5. The government of the University and its relation to the Colleges, as finally established by the statutes of Archbishop Laud.
6. The means of extending the benefits of the University to a larger number of students,—

   (1.) By the establishment of new Halls, whether as independent societies, or in connexion with Colleges;

   (2.) By permitting Undergraduates to lodge in private houses more generally than at present;

   (3.) By allowing students to become Members of the University, and to be educated in Oxford under due superintendence, but without subjecting them to the expenses incident to connexion with a College or Hall;

   (4.) By admitting persons to Professorial lectures, and authorising the Professors to grant certificates of attendance, without requiring any further connexion with the University.

7. The expediency of an Examination previous to Matriculation; of diminishing the length of time required for the first Degree; of rendering the higher Degrees real tests of merit; of so regulating the studies of the University as to render them at some period of the course more directly subservient to the future pursuits of the student.
8. The expediency of combining the Professorial with the Tutorial system; of rendering the Professorial foundations more available for the instruction of Undergraduates generally; of increasing the number and endowments of Professorships; of providing retiring pensions for Professors.
9. The most eligible mode of appointing Professors; and the effect of existing limitations or disqualifications upon the appointment of Professors.
10. The effect of the existing limitations in the election to Fellowships, and in their tenure.
11. The propriety of abolishing the distinctions between Compounders and ordinary Graduates; between Noblemen, Gentleman-Commoners, and other students; and also the distinctions made with respect to Parentage at Matriculation.
12. The means of fully qualifying students, in Oxford itself, for Holy Orders, and of obviating the necessity of seeking Theological instruction in other places.
13. The capability of Colleges and Halls, as at present constituted, to furnish adequate instruction in the subjects now studied, and in those introduced by the recent Examination Statute.
14. The system of Private Tuition, and its effect both on Tutors and Pupils.
15. The means of rendering Bodley's Library more generally useful than at present.
16. The propriety of laying periodical Statements of University Accounts before Convocation.

Her Majesty's Commissioners will be happy to receive your evidence, either orally or in writing, and in such a form as you may think best adapted to do justice to your suggestions and arguments.

I have the honour to be,
Your obedient humble Servant,
A. P. STANLEY, *Secretary*.

The answers to these Heads of Inquiry will be found in Evidence, Part I.

Questions addressed to the Professors.

To the Professors, this document was accompanied by the following queries:—

Her Majesty's Commissioners also request you, as Professor of , &c., to furnish statements under the subjoined heads, and to give them any further information or any suggestions which may occur to you in relation to your office:—

1. The nature of the Endowment, and its present annual value; and whether any other sources of income are attached to it.

APPENDIX B.

QUESTIONS OF HER MAJESTY'S COMMISSIONERS.

Questions addressed to the Professors.

2. Whether any special qualifications are required by statute in the persons appointed.

3. Whether any Residence, Lecture-room, Library, Apparatus, Collections, &c., are provided for you; if so, whether there are any funds for keeping them up.

4. Whether there are any statutes requiring the performance of specific duties; and whether those duties are such as could not profitably be now enforced.

5. The mode of appointment to your office; whether it is held for life or for a term of years, and whether the person holding it is removable.

6. The nature and number of Lectures usually delivered in each year: the average number of pupils attending, and the fee paid by each pupil.

7. The general condition in the University of the branch of study to which your Professorship relates, and the means of promoting its advancement.

Her Majesty's Commissioners will be happy to receive your evidence, either orally or in writing, and in such a form as you may think best adapted to do justice to your suggestions and arguments.

I have the honour to be,
Your obedient humble Servant,
A. P. STANLEY, *Secretary.*

The answers to these Questions will be found in Evidence, Part II.

The documents which follow were intended to elicit such facts from the University and College Authorities as were not otherwise easily accessible.

Of those which related to the University, the first, on the general State and Revenues of the University, was addressed to its chief executive Officer, the Vice-Chancellor; the second, on the Vice-Chancellor's Court, was addressed to the Assessor or ordinary Presiding Judge of that Court; the third, on the Studies and Examinations of the University, to the Public Examiners.

Downing-street, London, 13th November, 1850.

Questions addressed to the Vice-Chancellor.

MR. VICE-CHANCELLOR,

HER Majesty's Commissioners for the University of Oxford respectfully request that you will have the goodness to cause them to be furnished with the Returns specified below.

I have the honour to be, Mr. Vice-Chancellor,
Your obedient Servant,
(Signed) S. NORWICH.

1. A copy of the University Statutes now in force.

2. A Schedule of all Fees and Monies levied on Members of the University, whether as University Dues, or as Payments to Government, (1) at Matriculation, (2) previously to Responsions or Examinations, (3) as Annual Imposts, (4) on taking Degrees.

3. A Copy of the Agreement between the University and the other parties interested in the University Press.

4. A Statement of the Profits of the University Press in each of the last ten years, distinguishing the Profits arising from the sale of Bibles, Testaments, and Prayer-books, and those arising from the sale of other works.

5. A Statement of the amount of the Balances now in hand, and the estimated value of the Stock.

6. A Statement of the application of the Net Profits of the University Press during the last ten years.

7. A Statement of the Net Income of the University Estates, distinguishing between those which are held in trust, those which are intended for specific purposes, and those which are intended for the general objects of the University.

8. A Statement of the Grants made by the University during the last ten years to purposes not strictly academical.

9. A Statement of the Monies in the University Chest, other than those of the University Press, which are applicable to the general purposes of the University.

10. A Statement of the principles on which Fines are set for the renewal of Leases, and of the Leases, if any, which the University is now running out.

11. A Statement of the Emoluments of the Vice-Chancellor, distinguishing the sources from which they arise.

12. A Statement of the Emoluments of the following University Officers:—

The Deputy Steward.
The Proctors and Pro-Proctors.
The Public Orator.
The Keeper of the Archives.
Bodley's Librarian and Sub-Librarians.
The Keeper of the Ashmolean Museum.
The Radcliffe Librarian.
The Assessor of the Vice-Chancellor's Court.
The Registrar of the University.
The Registrar of the Vice-Chancellor's Court.
The Clerk and Deputy Clerk of the Market.
The Bedells.

13. A Schedule of the Fees payable in the Vice-Chancellor's Court.

14. A Statement of the Number of Persons who have offered themselves as Candidates at the Examination for the Degree of B.M., and at the New Theological Examination, since the passing of the Statutes which established those Examinations, and of the Number of Candidates who have obtained Certificates.

15. A Statement of the Number of Matriculations and Degrees during each of the last four years, distinguishing between the Matriculation of Persons entered as Sons of Noblemen, Doctors, Esquires, Gentlemen, Clergymen, and Plebeians, and between the Graduations of persons as Compounders and Non-Compounders.

Oxford University Commission, Downing-street,
November , 1850.

SIR,

HER Majesty's Commissioners for the University of Oxford request that you will have the goodness to furnish them with answers to the following questions :— Questions addressed to the Assessor in the Vice-Chancellor's Court.

What Persons may practise in the Vice-Chancellor's Court?

Is the number of such Persons limited by any Statute, or by custom?

What Qualification or Course of Study is required of those who are appointed to practise in the Court?

What has been the number of Suits in the Court in each of the last five years?

What is the most usual cause of Civil Action in the Court?

What is the Expense to each Party, under ordinary circumstances, in a Suit for the recovery of a Debt of 20*l.*?

What length of time, under ordinary circumstances, passes from the first to the last step in a defended Suit for the recovery of such a Debt? Are the Witnesses examined in open Court? Do they give their testimony orally? Are they subject to oral cross-examination? If not, be so good as to state how they are examined and cross-examined?

If a Defendant be sentenced to pay a Debt or Sum of Money to a Plaintiff, how is the payment enforced?

How are the Costs of litigating parties in the Court taxed, and by whom?

I have the honour to be, Sir,
Your obedient humble Servant,
A. P. STANLEY, *Secretary.*

Oxford University Commission, Downing-street,
February , 1851.

SIR,

HER Majesty's Commissioners for the University of Oxford will feel much obliged if you will communicate to them whatever information may, in your judgment, enable them to give a faithful representation of the state of the public examinations and general studies of the University. Your attention, as having filled the office of Public Examiner, is specially directed to the following points :— Questions addressed to the Public Examiner.

1. Do you consider the present system of public examinations well adapted to stimulate students generally to exert themselves to the best of their respective powers? If not, do you think it fails most with regard to those of moderate or those of good abilities?

2. How far do you think the recent statute likely to remove any defects that may exist in either case? Should you wish to see any further extension of studies, any further alterations in the examinations, or any change in the mode of classification?

3. What were the general subjects for the ordinary examination during the period of your examinership? In what subjects was failure most common? What was the average proportion of candidates who were rejected or who voluntarily withdrew?

4. Can you specify the books taken up by candidates for classical honours, and the number of candidates by whom each book was taken up? Can you make any other statistical returns which appear to you to be important, as illustrating the state of study in the University?

5. What are the general subjects of the mathematical examinations? What degree of attention is paid to geometrical knowledge, or to expertness in the use of analytical method?

How do you account for the comparative neglect of mathematics? Do you think that the studies introduced by the recent statute will be as much neglected, and for like reasons?

6. Is the present mode of appointing Examiners such as you would recommend? Do you consider their payment sufficient? Do you think that Examiners for University Scholarships should receive payment?

7. Do you think that the subjects of instruction now pursued in the University are such as will attract any other classes to the University than those that resort to it at present? or do you think that the present studies could be advantageously modified with a view to that object?

I have the honour to be,
Your obedient humble Servant,
A. P. STANLEY, *Secretary.*

The Vice-Chancellor and the Vice-Chancellor's Assessor answered in the following letters :—

MY LORD,

University College, Oxford, November 15, 1850.

I HAVE the honour to acknowledge the receipt of your communication of the 13th instant, on the part of the University Commissioners; and I beg to state that, under present Answer from the Vice-Chancellor.

Appendix B.

Questions of Her Majesty's Commissioners.

circumstances, I do not feel myself at liberty to make any reply beyond such acknowledgment.

I have the honour to be, my Lord,
Your obedient Servant,

The Lord Bishop of Norwich. F. C. Plumptre, *Vice-Chancellor.*

Sir, *All Souls College, November* 22, 1850.

Answer from the Vice-Chancellor's Assessor.

Your letter, addressed to me as Assessor of the Vice-Chancellor's Court, and bearing date the 18th of this month, arrived here this morning.

The various subjects to which your questions relate shall have my best attention.

Your obedient humble Servant,

The Rev. A. P. Stanley, J. R. Kenyon.
&c. &c. &c.

Answers from the Public Examiners.

The answers of the Public Examiners will be found in the Evidence, Part III.

The questions relating to the Colleges were divided into two classes—those which, as touching on the Revenues and Statutes of the Colleges, were addressed to those bodies in their corporate capacity; and those which, as touching on facts connected with the Colleges, but falling under the cognizance of its individual Officers or Members, were addressed to the Heads, Senior Tutors, and other Members of the several Colleges.

Oxford University Commission,
Gentlemen, *Downing-street, November* , 1850.

Questions addressed to the Colleges, as Corporate Bodies.

Her Majesty's Commissioners for the University of Oxford will feel much obliged for any information which you may be disposed to furnish on the following points:—

1. The amount of your corporate revenues and their specific application.
2. The sources from which each portion of the income is derived, and the amount arising from each source.
3. The proportion of your corporate property which is let at rack-rent, and on lives, or for terms of years; and the principle on which fines are set.
4. The emoluments of the Headship, of the several Fellowships, Studentships, Scholarships, Demyships, or the like.
5. The number, value, and period of tenure, of the several unincorporated Scholarships, Exhibitions, or the like.

Her Majesty's Commissioners also request that you will furnish them with a copy of your Statutes, and with any Decrees made by the Visitor.

I have the honour to be, Gentlemen,
Your obedient humble Servant,

A. P. Stanley, *Secretary.*

Oxford University Commission,
Sir, *Downing-street, London, December* , 1850.

Questions addressed to the Heads, Senior Tutors, and other Members of Colleges.

Her Majesty's Commissioners for the University of Oxford will feel obliged to you for any information which you may be disposed to furnish on the following heads of inquiry, which, for the sake of convenience, have been arranged under the form of questions.

I have the honour to be,
Your obedient humble Servant,

A. P. Stanley, *Secretary.*

1. Is your Society governed by statutes? If not, are there any orders or rules by which it is governed?

2. If the Society is governed by statutes, were those statutes given by the Founder? Are the original statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

3. Is there any provision in your present statutes for their alteration and amendment; or was there, in your original statutes, any such provision?

4. Will you state in what respects, if any, your statutes have ceased to be observed, whether owing to lapse of time or other causes?

5. In what cases is the non-residence of your Head or your Fellows permitted by the statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

6. Is the marriage of the Head of your College permitted by the statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?

8. Are there in your College any unincorporated or Bye Fellows? If so, by what statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

10. Will you quote the clauses of your statutes on which any such restriction rests, together

with any special reasons which the Founder or framer of your statutes may have had for this restriction?

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the statutes allow for opening the Foundation?

12. If the statutes give a "preference" to certain candidates, how do you interpret such preference?

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

18. Do your statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

19. Do your statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your statutes on which such permission or prohibition rests?

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by statute, or is it deduced from an injunction to study theology, from injunction to discharge clerical duties now disused, or from any other like provision?

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are Laymen?

24. Are Fellows, or other members of your Foundation, allowed by statute, or other authority, to hold ecclesiastical preferment? and if so, to what amount?

25. What statutable restrictions limit the selection of your Head?

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the statutes allow any special liberty of choice in the Fellowships so connected?

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

29. Will you quote the clauses of your statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the statutes, or to make new statutes or ordinances?

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30. Are Gentlemen Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline as other persons *in statu pupillari?* To what charges are they liable, beyond those borne by other independent members?

31. Can you state how many members of your Society receive assistance from Exhibitions, or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

32. How many persons are supported, wholly or in part, in your Society as Battellers, Servitors, Bible-clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

34. Are there any Tutors in your Society who are not, or have not been on the foundation? Do they all reside within the walls?

APPENDIX B.

QUESTIONS OF HER MAJESTY'S COMMISSIONERS.

Questions addressed to the Heads, Senior Tutors, and other Members of Colleges.

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

39. Can you state how many undergraduate members of your Society are now reading with private Tutors?

40. What attendance at Chapel is required by your statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

43. Will you have the goodness to supply the Commissioners with a weekly Battel Bill of the average amount, and with a quarterly Battel Bill for each of the four quarters of 1849, also of the average amount?

44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

47. What number of Undergraduates is your College capable of accommodating?

ANSWERS FROM THE COLLEGES.

The Answers of the different Colleges will be found in Evidence, Part IV. It will suffice in this place briefly to state the course pursued by each, in the order in which their intentions became known to the Commission.

Balliol College, as a body, declined to give evidence; but its Dean and Bursar furnished us with a statement of its Revenues, and copies of its Statutes and other documents. The Master referred himself to the Visitor of the College.

University College, as a body, declined to give information respecting its revenues, or to supply us with a copy of its Statutes.

Brasenose College declined to give any information.

The Warden and Fellows of New College referred themselves to the Visitor of the College.

All Souls College deputed its Warden to give answers to the Questions, and to furnish the Commission with a statement of its Revenues and access to a copy of its Statutes.

St. John's College consented to furnish information on all points excepting its Revenues and documents.

Merton College consented to furnish information on all points excepting its documents.

The President of Magdalen College, in a letter addressed to "the Rev. A. P. Stanley, Fellow of University College," declined to answer. The Fellows of Magdalen declined to answer, in a separate letter addressed to the Secretary of the Commission.

Corpus Christi College deputed its President to give full information relating to its Revenues, and to furnish a copy of its Statutes and documents.

The Warden of Wadham College returned no answer to the communications, and did not lay our questions before the College. Eight Fellows of the College communicated to the Commission in a formal letter their regret that this course had been adopted.

Lincoln College, through its Bursar, acting on behalf of the Rector and Fellows, referred to the copy of its Statutes in the Bodleian Library, and gave an account of its Revenues.

The Principals of Magdalen Hall, St. Alban's Hall, and St. Edmund Hall, gave information regarding their Societies.

Oriel, Queen's, Trinity, Jesus, and Worcester Colleges have answered only by courteous acknowledgments from the heads of those Societies.

The Dean of Christchurch has returned no answer.

The answers of individual Tutors of the Colleges of University, Balliol, Merton, Corpus Christi, Christchurch, St. John's, Wadham, Jesus, and Pembroke, will appear in the Evidence.

At the expiration of five months from the date of the original application to the Vice-Chancellor, during which time no communication had been received from the authorities of the University in their collective capacity, the Chairman repeated that application in the following letter, which, with the Vice-Chancellor's answer, is subjoined:—

MR. VICE-CHANCELLOR, *Downing-street, March* 12, 1851.

Letter to the Vice-Chancellor.

REFERRING to a correspondence which took place between us in October and November last, and still writing in behalf of the Commissioners appointed to inquire into the State, Discipline, &c., of the University of Oxford, I shall be obliged by your informing me whether the Commissioners may expect the favour of an early reply to the request and the inquiries which I had the honour to convey to you.

(Signed) S. NORWICH.

The Vice-Chancellor of Oxford.

MY LORD, *University College, Oxford, March* 13, 1851.

Letter from the Vice-Chancellor.

I BEG to acknowledge the receipt of your letter of the 12th instant. I regret that it has not been in my power to write to you at an earlier period in reference to the communications which you addressed to me in October and November last on the subject of the University Commission. I believe your Lordship and your brother Commissioners are aware that this delay has arisen from the circumstances that the Board of Heads of Houses and Proctors had felt it to be their duty, on behalf of the University, to take the opinion of their legal advisers. They did not receive the opinion from their counsel till the 5th instant.

I beg to transmit herewith to your Lordship a copy of this opinion, and of the case upon which it was given.

You will, I trust, be satisfied that the case is fairly and fully stated, and you will see that the counsel are of opinion that the Commission is not constitutional or legal.

This opinion having been so recently received, it is not in my power at this time to state what course the Board of Heads of Houses and Proctors will think it right to take in a matter of such grave importance. As soon as this shall be decided, I will not fail to communicate again with your Lordship.

I have the honour to be, my Lord,

Your faithful and obedient Servant,

F. C. PLUMPTRE,

The Right Rev. the Lord Bishop of Norwich. *Vice Chancellor.*

The following documents accompanied the Vice-Chancellor's letter:—

Case and Opinion on the Part of the University of Oxford.

Case on the part of the University of Oxford.

A Commission has been issued under the Queen's Sign Manual, "for inquiring into the State, Discipline, Studies, and Revenues of the University of Oxford, and of all and singular the Colleges in the said University."

The following letter has been received by the Vice-Chancellor of the University from the Bishop of Norwich, the Senior Commissioner:—

Oxford University Commission,

MR. VICE-CHANCELLOR, *Downing-street, Oct.* 21, 1850.

I HAVE the honour of transmitting to you a copy of a Commission which Her Majesty has been pleased to issue to myself and six others named therein, commanding us to inquire into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

As it is important that trustworthy information should be laid before Her Majesty, the Commissioners venture to express a hope that, in seeking such information, they may have your co-operation, and that of others, whose position in the University entitles them to public confidence.

In determining the particular mode of prosecuting these inquiries, they desire to consult as much as may be the convenience of the University, and to proceed on the suggestions of its authorities.

And whatever course they may be led to adopt, they trust that the result may be a fuller and more general appreciation of the great benefits which the country derives from the University and its institutions, and the removal of whatever may be felt as a hinderance to its still greater efficiency and usefulness.

I am,

Mr. Vice-Chancellor,

Your faithful Servant,

The Rev. the Vice-Chancellor of Oxford. (Signed) S. NORWICH.

APPENDIX B.

Case on the part of the University of Oxford.

To this Letter the following answer* has been returned:—

University College, Oxford, Oct. 23, 1850.

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's communication of the 21st inst., on behalf of the Commissioners appointed to inquire into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, and I beg to state that I will take an early opportunity for laying them before the Board of Heads of Houses and Proctors.

I have the honour to be,
My Lord,
Your faithful and obedient Servant,
F. C. PLUMPTRE,
Vice-Chancellor.

The Right Rev. the Lord Bishop of Norwich.

The above-mentioned Letters, with the copy of the Commission, and of the Questions since addressed to the Vice-Chancellor, have been laid before the Board, consisting of the Heads of Houses and Proctors, who have appointed a Committee for the purpose of preparing a Case for the consideration and advice of counsel on the subject of the Commission of Inquiry.

In order to guide the Committee in their recommendations to the Board, they are desirous of obtaining the opinion of Counsel on various points in reference to the legality of the Commission, and the course which it would be proper for the University to pursue.

The following short statement will, it is believed, be sufficient to lead Counsel to the main subjects for their consideration: The earliest authentic Records of the University commence in the reign of Henry the Third: prior to this period its history is obscure, and the notices respecting it, whether by historical writers or in old records, are scarcely more than traditional. It is however beyond all doubt a Corporation by prescription, and is so recognised in the first Charters of privileges extant (those of Henry the Third). In a Commission issued in 1272 (see *Wood's Annals* under that year) reference is made to the Charters granted to the University by the predecessor of Henry; but whatever they may have been, they are now lost.

It would be impossible therefore to speak with certainty of its origin, or the manner of its first foundation. This has been sometimes ascribed to King Alfred. He however, even by tradition, seems only to have been a Restorer and encourager of learning at Oxford. (See *Wood's Annals*, vol. i. part 1. p. 21.) He also is said (no doubt with reason) to have founded and endowed lectureships. (*Ibid.* vol. ii. part 2. p. 811.) But these facts are in themselves evidence of the previous existence of the University as a school of learning.

As matter of conjecture, it is more than probable that its origin was in the nature of a voluntary association of students brought together by accidental circumstances. As learning began to dawn, professors and teachers of various kinds would, in the natural course of things, plant themselves in convenient localities, and gather round them pupils and scholars. Thus the germ of an academical society would be formed which would grow and expand by degrees, copying the forms and customs of other like institutions. Bodies of this nature would receive encouragement from kings and other patrons of learning, and by degrees endowments would be acquired. Such indeed (as far as conjecture goes) appears to have been the history of the University of Oxford.

Its Municipal privileges, its rights of Jurisdiction, and the like, could alone flow from the authority of the supreme civil power.

These remarks are only material as bearing upon the question sometimes raised as to the Universities (as schools of learning) having derived their origin from the creative power of the Crown. A proposition which is undoubtedly true, if meant only as referring to their corporate privileges; but for which, if it be meant to imply original foundation, in the more proper sense of the term, there does not appear to be any sufficient authority. The grant of corporate privileges and endowments to an existing society, though sometimes spoken of as "*Acts* of *Foundation*," have not strictly or necessarily that character (*Blackstone's Comment.* vol. i. p. 480). Nor do they (according to the same authority) draw to the grantor or his nominees any right of visitorship or control over the bodies so incorporated or endowed.

It is to be remarked, that in the various records relating to the University, many of them proceeding from the Crown, no reference is made to any such original foundership by the Crown. The language of a patent (of the 50th of Edward the Third) is in refer-

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* *Note to a 2nd edition of the Case and Opinion.*

The copy of this Answer was inadvertently taken from a wrong draught of a letter; that which was actually transmitted to the Bishop of Norwich is as follows:—

MY LORD AND GENTLEMEN,

University College, Oxford, October 29, 1850.

I beg to acknowledge the receipt this day of your communication of the 21st October, addressed to the Vice-Chancellor of the University of Oxford, inclosing a copy of the Commission, which Her Majesty has been pleased to issue to inquire into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

I have the honour to be,
My Lord and Gentlemen,
Your obedient Servant,
F. C. PLUMPTRE, *Vice-Chancellor.*

The Lord Bishop of Norwich and the Oxford University Commission.

Case on the part of the University of Oxford.

ence to the University, "prout eam ab initio privilegiis *dotavimus* et eadem privilegia sæpius *augmentavimus*."

For the purpose of showing the precise nature of the various acts of authority exercised over the University, it has been thought expedient to analyze, with as much care as time will permit, the Annals of the University published by Anthony Wood.

The accompanying Paper (No. 1.) contains such analysis (with references to the years of the different occurrences) distinguished under the following heads:—

1. Acts done by the Crown.
2. ,, by the Archbishop of Canterbury, whether as Metropolitan, or as Legatus Natus of the Pope.
3. ,, by the Bishop of Lincoln as Ordinary.
4. ,, by the Archdeacon of Oxford.
5. ,, by Parliament and the Protector during the Protectorate.
6. ,, by Synods or Councils.
7. ,, by the Pope.
8. ,, by the Pope's Legate *a latere*, and in particular
9. ,, by Cardinal Wolsey.

Added to which is a short note or reference to the principal occurrences relating to the different digests and compilations of the University Statutes down to the Laudian Code.

The accompanying paper (No. 2.) contains an analysis of the principal Charters granted by the Crown to the University, and of the Act of Parliament of 13 Elizabeth, c. 29, for confirming the privileges; and references are therein made to the passages in Wood's Annals where they are mentioned, or the circumstances, under which they were granted, alluded to.

The Book of Charters of the University, called "*Registrum Privilegiorum Universitatis Oxoniensis*," is sent herewith. It contains the Charters of Edward IV., in which the previous Charters are set forth by way of inspeximus, the Charter of Henry VIII., and the Act of Parliament of the 13th Eliz. And the Statutes of the University are also sent, in order that the Charter of Archbishop Laud and the Charter of King Charles the First, at the commencement, may be referred to.

For the purpose of reference, Wood's Annals and Ayliffe's History of Oxford are also sent. The latter contains in the Appendix various Records of the University, of which a note or index is sent herewith, paper (No. 3).

The attention of Counsel is drawn to the following authorities, which are supposed to be material:—

The Case of the Universities argued before Charles the First in Council, reported in Rushworth's Collection, vol. i. pt. 2. p. 324, and in Ayliffe's History of Oxford, vol. ii. p. 257, 3 Rot. Parl. p. 652.

King *v.* University of Cambridge, 3rd Burrow, 1656, 1 Wm. Bl. 547.
Rex *v.* Dr. Purnel, 1 Wils. 239.
Comyns' Digest (title Visitor).
Blackstone's Commentaries, vol. i. p. 480.
Bacon's Abridgment—title Corporations (F).
Philips *v.* Bury, Lord Raym. Rep., vol. i. p. 5.

In addition to the foregoing the following Acts of Parliament are conceived to have an important bearing upon the question, with reference to the visitations of the University subsequent to the Reformation:—

25th Hen. VIII. c. 21. c. 22.
26th Hen. VIII. c. 1.
1st and 2nd Philip and Mary, c. 8.
1st Elizabeth, c. 1.
16th Car. I. c. 11.
13th Car. II. Stat. 1. c. 12.
1st Wm. and Mary, Stat. 2. c. 2. Bill of Rights against Commissions.

With respect to the question as to the right of the Crown, constitutionally, to issue a Commission of Inquiry, it may be useful to refer to the following instances of inquiries made under the authority of Royal Commissions of a somewhat similar character:—

1. Commission to inquire into the Nature and Extent of Institutions in Ireland for Education, 1824. First report presented June 3rd, 1825.
2. ,, to visit the Universities of Scotland, issued 1826; renewed 1830 and 1837. Reports, Parliamentary Papers of 1837, 8, xxxiii.—1839, xxix. Supp. 78, 79 of Appendix to the Glasgow Report of 1839, vol. xxix. 373.
3. ,, to inquire into the State of the Irish Church, 1830. Hansard, xxix. p. 1369.
4. ,, to inquire into Ecclesiastical Revenues in England and Wales, 1832, 1834, xxiii. 5; 1835, xxii. 15.
5. ,, to inquire into Administration of the Poor Laws, 1832.
6. ,, to inquire into Municipal Corporations, 1833.
7. ,, to inquire into the State of the several Bishoprics in England and Wales, 1847.

It has been stated that as many as 57 Commissions have been issued since 1815, and only four or five by Act of Parliament. See Hansard, vol. xxix. 1359.

For lists of Commissions of Inquiry, Royal and others, see

Parliamentary Papers, 1826-7, vol. xx.
,, ,, 1834, vol. xli. p. 349.
,, ,, 1836, vol. xxxvii. p. 491.
,, ,, 1840, vol. xxix. p. 323.
,, ,, 1842, vol. xxvi. p. 373.

And Blue Books containing Finance Accounts, particularly that for 1846.

The Commission relates to all Colleges. The Queen is Visitor of only three. The other Colleges have their own Visitors.

The University has no endowment from the Crown applicable to its general purposes.

The payments which are received from the Crown, or by Parliamentary vote, are as follows:

Payments formerly made out of the Royal Exchequer, but now made by the Commissioners of Woods and Forests, by 3 Will. IV. c. 86 :—

	£.	s.	d.
For a Preacher or Chaplain, granted by King Henry VII. . .	7	19	6
Margaret Professor of Divinity, founded by Margaret Countess of Richmond, Stipend, 20 marks, King Henry VII. . . .	11	5	2
Regius Professor of Civil Law, granted by King Henry VIII. . .	34	18	0
Regius Professor of Medicine, granted by King Henry VIII. . .	36	0	0
	£90	2	8

Payments made to certain Professors, formerly out of the Privy Purse, but now by Annual Vote of Parliament :—

	£.	s.	d.
Professor of Modern History, founded by King George I. 1724, confirmed by King George II. 1728	371	0	0
Professor of Botany, granted 1793	100	0	0
Grant to the Physic Garden	81	10	0
Reader in Experimental Philosophy, granted circa 1810 . . .	100	0	0
Reader in Mineralogy, granted circa 1813	100	0	0
Reader in Geology, granted circa 1818	100	0	0
Professor of Chemistry, granted circa 1818	100	0	0
	£952	10	0

The other revenues of the University are derived from the Benefactions of private persons, and the dues and other contributions of the Members of the University.

It has been suggested that the Commission does not purport to compel persons to give information, and that therefore it is legal.

It will be seen however that authority is given to send for books and papers, &c. In support of the argument that it is legal because not compulsory, the argument of Lord Bacon as attorney-general in 13 James I. A.D. 1615, in support of the legality of 'Benevolences,' may be quoted. (See 2 State Trials, 899, ed. 1809, and 12 Co. 119; see also Mr. Hargrave's Observations, 2 State Trials, 899.)

The authorities of the University are anxious to do what is right in this matter. They wish to show every possible deference and respect to the Crown, but they are told that if they submit to the present Commission, they may not only compromise the rights and privileges which have been enjoyed by the University from time immemorial, or been granted by the Crown and confirmed by Parliament, but that they will virtually expose the University to attacks and Commissions at the will of the Minister of the Crown for the time being, to the great disquiet, if not to the ruin of the University, and that consequently it is their duty not to submit to it. Under these circumstances you are requested to advise

Whether the Commission is constitutional and legal, and such as the University, or the Members of it, are bound or ought to obey; and if so, whether it is supported by the authority of the Crown as Visitor of the University, or by any and what prerogative, or other right?

And if the Crown be Visitor, then for what purposes is it Visitor, and in what manner must its visitatorial authority be exercised; *i. e.* in the Court of Queen's Bench, the Court of Chancery, or how otherwise; and can that power be exerted without any complaint being alleged, or any case made to require it?

If the Commission is not legal, nor such as ought to be obeyed, then is there any, and what course which the University ought to take with a view to being relieved from it, and to procure it to be cancelled; or what course ought the University or its members to take for the protection, in the manner most respectful to the Crown, of the rights intrusted to them?

Should any other points occur to you material for the guidance of the University or its Members under existing circumstances, you are requested to notice them, and advise thereon.

Copy of Opinion.

"We are of opinion that the Commission is not constitutional, or legal, or such as the University or its Members are bound to obey; and that the Commission cannot be supported by any authority of the Crown, either as Visitor, or under any prerogative or other right.

"As to visitatorial authority, it may be granted that formerly the Pope and other ecclesiastics interfered in the affairs of the University; but the Universities were then considered ecclesiastical bodies, and subject to the jurisdiction of the Ordinary: and it may also be granted that the power which had been exercised by the Pope as Supreme Ordinary was, after the Reformation, claimed by the Crown, and that acts were done by it under that claim: but it is clear now that the Universities are lay, civil corporations, and this character they would have received by the Act of 13 Eliz. c. 29, if they had not possessed it before; and 'being lay corporations, the Ordinary neither can nor ought to visit,' [see the case of Sutton's Hospital, 10 Co. 31ª.] and consequently the Crown cannot visit under any supposed ecclesiastical claim.

"The other acts of the Crown referred to in the Case do not prove any visitatorial authority; they are either the just acts of Royal prerogative, such as for the preservation of the peace, the administration of justice, &c., or the exercise of powers given to the Crown by Act of Parliament, the most remarkable of which were those conferred by the Act of 1 Eliz. c. 1. s. 18., from which the High Commission Court took its origin (and which will be mentioned again below); or if extending further, they may well be referred to undefined notions in those days of the Prerogative, to the personal character of the Sovereign, or to peculiar necessities of disturbed periods, which are no precedents for other times. As Lord Mansfield said on this subject, 'the Crown did in fact formerly exercise a power over the Universities which cannot be supported by any sound principles of law. It is now most certain that those corporations are lay incorporations.' Rex. *v.* University of Cambridge, 1 W. Bl. 550.

"Again: the present Commission does not purport to be issued by the Crown as Visitor of the University, nor does it allude to any visitatorial authority; while on the contrary it directs inquiries as to Colleges over which, as they have their own special Visitors, the Crown can have no authority as Visitor.

"The visitatorial right, properly so called, is annexed to eleemosynary foundations alone: and it arises from the right of a donor to regulate the distribution of his gift according to his intention. The University, however, is not an eleemosynary foundation, but a civil corporation, and as such it is subject to the control of the Court of Queen's Bench, which, upon complaint, acts with regard to it by mandamus, or otherwise, as it acts respecting other civil corporations. This species of control has sometimes, though inaccurately, been called Visitatorial, [see Rex *v.* Chancellor etc. of Cambridge, 1 Str. 557, 2 Ld. Raym. 1334.] but where there is a Visitor a mandamus will not be granted as to any matters within his jurisdiction. [See Parkinson's case, 1 Show, 74, Widdrington's case, T. Raym. 31, Rex *v.* Warden of All Souls Coll. Oxon. T. Jones, 174. Rex *v.* Alsop, 2 Show, 170.]

"And further, it does not appear that the Crown ever assumed or used the title of Visitor of the University; and it is clear that the Crown has not in any way interfered with the University since the time of James II., when the Ecclesiastical Commissions were finally abolished.

"We are consequently of opinion that this Commission cannot be supported by any visitatorial authority in the Crown.

"Next as to the constitutional and legal character of the Commission. It purports to authorize an inquiry in order to the expression by the Commissioners of an opinion only, not the adjudication of any disputed questions. The subjects of this inquiry, as regards the University apart from the Colleges, are its rights, franchises, and property, and the conduct of its Members; all of which are brought into question, not in the regular course of law, but without any accusation being stated, or any accuser appearing, without there being any power to adjudicate upon and settle the questions which may be raised, and without any appeal from the Commissioners' Report, or any means of correcting inaccuracies in their representations.

"No such Commission appears to have been at any time heretofore issued respecting the University, and no like Commission has ever yet been declared valid by a court of justice: on the contrary, such Commissions not sanctioned by Parliament have, even in very early times, been repeatedly condemned by Parliament and by the judges. 2 Rot. Parl. 15th Ed. III. No. 14, No. 40; 15th Ed. III. st. i. c. 2; 2 Rot. Parl. 18th Ed. III. No. 3, No. 5, and resp. No. 1, 18th Ed. III. st. 2. c. 1. and c. 4; 3 Rot. Parl. 2nd Hen. IV. No. 22; 3 Rot. Parl. 5th Hen. IV. No. 39; 2 Inst. 478, 4 Inst. 163, 165, &c. 42 Ass. pl. 5. See also 2 Inst. 50, 51.

"The Commissions, which in later times were issued under the great seal by Hen. VIII. and Ed. VI. were considered by Lord Coke and the other Judges in 9 Jac. I. as illegal, except where their powers were derived from Act of Parliament, 12 Co. 84; and see Sir Robert Atkyns's discourse concerning the Ecclesiastical Commissions, in 11 State Trials, p. 1152, n. (ed. 1811).

"Afterwards the Act 1st Eliz. c. 1. s. 18. which established the High Commission Court, enabled the Crown to give to the Commissioners in that Court the largest powers ever legally exercised by any Commissioners; but when their Commissions purported to give further powers by virtue of the Royal prerogative alone, such further powers, though often exercised and submitted to, were adjudged illegal, whenever contested, and the

Commissioners were restrained by Prohibition from exceeding the powers expressly given by Parliament. Lord Coke refused to act on such a Commission, considering it illegal, and holding that where a Commission is against law, Commissioners ought not to sit by virtue of it; and all the other Judges named in that Commission concurred with him. (See 12 Co. 49, 84, 85, 88, 4 Inst. 332, Cro. Car. 114, and Drake's Case, ibid. 220.)

"Subsequently, in consequence of the 'oppression and mischiefs' occasioned by such Commissions, the Act of 1 Eliz. c. 1. s. 18. was repealed by the Act of 16 Car. I. c. 11. which also enacted that thenceforth all such Commissions should be utterly void.

"King James II., notwithstanding, issued upon the strength of the royal prerogative alone a like Commission, under which the memorable visitation of Magdalen College in Oxford was held. 12 State Trials, 1, &c. See also 11 State Trials, 1143, &c.

"This led to the Declaration in the Bill of Rights, 1 W. and M. sess. 2. c. 2, that that Commission was 'utterly and directly contrary to the known laws and statutes and freedom of the realm;' and it was enacted, that the Commission so issued, and all other Commissions of the like nature, are 'illegal and pernicious,' and 'ought not in anywise to be drawn thereafter into example.'

"It may be said that the present Commission differs from the Ecclesiastical Commissions above referred to, inasmuch as it directs inquiry only, whereas the former Commissions directed the Commissioners to hear and determine, &c. But Commissions for inquiry and discovery alone are illegal, because they put parties to answer otherwise than 'according to the old law of the land,' (see Magna Charta, 9 Hen. III. c. 29., 25 Ed. III. st. 5. c. 4, 42 Ed. III. c. 3.) and because, as Lord Coke writes, 'under them a man may be unjustly accused by false evidence, and he shall not have any remedy; a party may be defamed, and he shall not have any traverse to it,' 12 Co. 31. 64.

"It is stated to have been suggested that the Commission is legal, because it does not purport to give compulsory powers for obtaining evidence: but in fact the Commission does purport to give such powers. It purports to 'authorize and empower the Commissioners to call before them such persons as they may judge necessary,' and also 'to call for and examine all such books, documents, papers and records as they shall judge likely to afford them the fullest information.' This assumption of authority is illegal; for the Crown cannot, by its own authority, compel persons to give information, except in the regular course of administering justice, the course of which the Crown cannot alter; and the Commissioners cannot compel persons to give evidence, and they cannot legally administer an oath even to willing witnesses: and wanting these powers, they cannot secure to any party a just and fair inquiry. (See 2 Inst. 479. 719, n.; 12 Co. 19. 49: 3 Inst. 175.)

"Lord Bacon's argument referred to in the case, that voluntary 'Benevolences' might legally be solicited by the Crown, has long been exploded and condemned. The Crown and the subject are not on equal terms in such cases; and the Crown cannot constitutionally solicit against a subject that which it cannot command. And this principle seems especially true and reasonable as to an inquiry, in which the subject has not the safeguards or helps which the law gives for the investigation of truth, and where he has no remedy of appeal in case wrong conclusions are drawn. Many Commissions for Inquiry alone have issued in modern times, and have been *generally* submitted to; but none of them, so far as we are aware, have been tested in courts of justice. They have not however been *invariably* submitted to: for example, the Municipal Corporation Commission met unqualified and successful resistance from the Merchant Tailors' Company in London, acting under the advice of Sir James Scarlett, Sir William Follett, and Mr. Rennell. Sir James Scarlett's very elaborate opinion on that Commission may be found in the Annual Register for 1833, p. 158.

"The like argument from modern usage was urged in favour of additions made without authority of Parliament to Ecclesiastical Commissions, but it was refuted by Lord Coke, and rejected by him and all the judges. (See 12 Co. 85, and 4 Inst. 332.)

"Considering then that the object of this Commission is inquiry alone, that it is not authorized by Parliament, that there is no precedent for such a commission as regards the University, and no judgment of any court of justice establishing any like Commission; considering also the authorities of common law and of Parliament against such Commissions, and that serious mischiefs may ensue from it; we are of opinion that this Commission is not constitutional or legal, and that it is not such as the University or its Members are bound to obey.

"Having said this, we feel it scarcely our province, in advising upon matters of law and constitutional principles, to express an opinion whether or not the University or its members *ought* to obey this Commission: that question, if intended to be considered apart from legal obligation, seems rather a question for the Members of the University than for its legal advisers.

"It is the constitutional course and practice of the Crown to recall and cancel instruments which it has issued, whenever they have been issued improvidently or incautiously.

"If the University, having regard to the rights, liberties, and privileges of its present and future Members, shall, upon consideration, think that it ought not to submit to the authority of the Commissioners until the legal validity of their Commission shall have been established by competent authority, we are of opinion that the best and most respectful course will be for the University to bring under the consideration of the Crown the nature of this Commission, in order to the discussion of its legality, and to its being recalled and cancelled if illegal; and that, for such purpose, the University should petition

Opinion of the Legal Advisers of the Heads of Houses and Proctors.

Her Majesty in Council, stating in effect the loyal wish expressed in the case, 'to show every possible deference and respect to the Crown,' the nature of the advice which the University has received respecting the Commission, the dangers which may be apprehended from the precedent if the Commission is allowed to continue, and to pray accordingly that the Commission may be recalled and cancelled: or otherwise, that it may be reconsidered by Her Majesty in Council, and that, in the latter case, the University may be heard by Counsel against it.

"(Signed) G. J. TURNER,
RICHARD BETHELL,
HENRY S. KEATING,
J. R. KENYON.

"*Lincoln's Inn, March* 3, 1851."

Shortly afterwards another case and opinion on the part of Brasenose College was transmitted to the Commission by the Vice-Chancellor, which is here subjoined.

Case and Opinion on the part of the Principal and Scholars of Brasenose College.

Case and Opinion on the part of the Principal and Scholars of Brasenose College.

CASE.*

A Commission bearing date the 31st day of August, 1850, has been issued under the Queen's Sign Manual, "for inquiring into the State, Discipline, Studies, and Revenues of the University of Oxford, and of all and singular the Colleges in the said University."

A copy of the Commission is sent with this Case.

On the 27th of October a letter dated from Downing-street, 21st October, was received by the Principal of Brasenose College in that University from the Bishop of Norwich, written on behalf of the Commissioners, sending a copy of the Commission, and asking, in general terms, for information, the receipt of which letter was duly acknowledged by the Principal.

On the 21st of November a printed letter, dated from Downing-street, 18th November, from the Secretary to the Commissioners, asking for answers to 16 distinct questions, was received by the Principal, and the receipt duly acknowledged.

On the 29th of November the Principal received another printed letter, dated from Downing-street, the 28th of November, from the Secretary to the Commissioners, addressed to the Principal and Fellows of the College, asking for answers to five distinct questions. A College meeting was without delay duly convened, and the subject considered on the 2nd of December, and an answer dated the same day was written and sent by the Principal, as directed by that meeting.

On the 7th of December another printed letter, dated from Downing-street, 6th of December, from the Secretary to the Commissioners, and containing 47 distinct interrogatories, was received by the Principal. Copies of these four letters, and of the answer sent by the Principal on the 2nd of December, are sent with this Case.

It is feared that if the authority of this Commission is admitted, the College may be exposed, at all future times, in the fluctuations of political parties, to attacks and influences very injurious to its peace, and to the steady performance of its duties; and it has been suggested that the Commission itself is unconstitutional and illegal, and such as cannot be properly assented to.

The College therefore desires to be advised by you (as mentioned below), respecting this Commission, and the course which the College and its several members ought to adopt with reference to it. The members of the College wish to act in the most respectful and loyal manner to the Crown, and at the same time to obey their statutes, to preserve unimpaired their rights and privileges, and to discharge rightly the duties to which they are bound by their oaths, and by their obligations to their founders, benefactors, and College.

King Henry VIII., by his charter, dated 15th January, in the 3rd year of his reign, A.D. 1511, granted to William Smyth, then Bishop of Lincoln, and to Sir Richard Sutton, that they and either of them might found a new College in a messuage, hostel, or tenement in the University of Oxford, then commonly called Brasenose, to consist of one Principal and Scholars, to be instructed in the sciences of sophistry, logic, and philosophy; and afterward, and above all, in divinity, and to be called by the name of "the Principal and Scholars of the King's Hall and College of Brasenose," to be ruled and governed according to ordinances to be made by the same Bishop and Sir Richard, or either of them, with power to sue for and accept letters and Bulls Apostolic from the Pope for the erection and establishment of the said College, &c., notwithstanding the Statutes of Provisors.

And that the said Principal and Scholars, and their successors, should be a body Corporate, and have perpetual succession, and a Common Seal, and be empowered to acquire and hold lands, tenements, &c., with power to sue and be sued.

And it was further granted thereby to the Bishop and Sir Richard, that after the erection of the College they might give and grant to the said Principal and Scholars the said messuage, hostel, or tenement, with its curtilages, gardens, and appurtenances, and that the same Bishop and Sir Richard, or any other persons whomsoever, might grant lands, tenements, rents, &c., to the said Principal and Scholars, to the yearly value therein mentioned, with

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Note to the Case.

* Copies of the following Documents accompany this Case, viz.:—Commission, 31st August 1850; Letter, 21st October, from the Bishop of Norwich to the Principal of Brasenose College; Letter, 18th of November, to the same; Letter, 28th of November, to the Principal and Fellows; Answer, 2nd of December; Letter, 6th of December, to the Principal; Charter, 15th of January, 3 Henry VIII., marked A1; a copy of the College Statutes; Entries in the College Books, marked B. C. D. E. F. G. H.

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power to the Principal and Scholars to receive and hold them for ever, notwithstanding the Statutes of Mortmain, or any other Statute, &c.

A copy of this Charter accompanies the Case.

King Edward VI., by his Letters Patent of Inspeximus, dated 1st July in the first year of his reign, recited verbatim and confirmed that Charter. And King James I., by his Letters Patent of Inspeximus, dated 2nd September in the second year of his reign in England, recited verbatim and confirmed in like manner the Letters Patent of Edward VI.

A body of Statutes was composed by Bishop Smyth and Sir Richard Sutton, and afterwards revised, and the whole were ultimately reduced into systematic order, and ratified by the Seal of Sir Richard Sutton, then the survivor of the two Founders, on the 1st day of February, 13 Henry VIII., A.D. 1521, and these statutes have ever since been and are now the governing Statutes of the College.

The original Endowments of the College were given in nearly equal portions by the two Founders before named: other Endowments were at later periods, and after the Statutes had been given, added by other Benefactors, who, however, did not annex to their gifts any stipulations as to visitation, &c.

No Endowments have been given by the Crown.

The Statutes provide, among other things, that the College shall consist of a Principal and 12 Fellows, allowing, however, additions to be made by subsequent Benefactors to that number; under which permission the number has been since accordingly increased to 20 Fellows, besides Scholars, Exhibitioners, &c.

The Statutes also provide that the Principal, after his election, and before he enters upon any duties of his office, shall swear, among other things, that he will keep, and cause to be kept by others, all the possessions, rights, liberties, privileges, and goods of the College:—That he will not, so far as he is able, permit any confederacies, &c., to be made against the advantage, good, and honour of the College, nor give any advice, help, or favour to persons making them, nor give any consent, either expressly or by implication, to them:—That he will not, directly or indirectly, ask for any dispensation against his Oath, or the Ordinances and Statutes of the College; and that if any such dispensation be obtained or offered by any authority whatsoever, or in any form, he will not use or in any way consent to it.

It is further provided by the Statutes, that if any cause arises for which it is thought by the College that the Principal ought to be removed, it shall be stated on behalf of the College, to the Bishop of Lincoln, who is to remove him, if, after examination into the matter, he shall think right to do so.

A Fellow, when elected, is required by the Statutes to swear, among other things, to observe all and singular the Statutes of the College, and to obey the interpretations, declarations, and expositions of them made by the Bishop of Lincoln, and not to accept or consent to any other Statutes, Ordinances, or Changes in any way derogating from or contrary to the Statutes of the Founders (Smyth and Sutton):—that he will reveal to nobody the secrets of the College to its damage or prejudice:—that he will not ask for any dispensation from this Oath, or any part of it; and if any dispensation be obtained by any one else, or be freely offered him, by whatever authority or in whatever way, he will not use it.

Another statute makes the consent of the Bishop of Lincoln for the time being essential to an alienation by the College of any part of their real property.

By the Statute "de Visitatione, &c.," it is provided—in order to guard against injury from want of discipline or neglect, abuse or disuse of the Statutes, &c., that the Bishops of Lincoln for the time being shall be Patrons and Protectors of the College, Supervisors of the College and of all and singular the persons, possessions, rights, liberties, and privileges of the same, and of the Founders' Ordinances and Statutes, and be Visitors of the College. And that it shall be lawful for the Bishop for the time being, as often as he shall be requested by the Principal and six senior Fellows of the College, or by the common consent of the whole College, and without any request, once in three years, to come to the College by himself or his Commissaries, and call together the Principal, Fellows, and Scholars, and to make minute inquiries, and to do all things necessary or fit, to the extent of removing the Principal, Vice-Principal, or any of the Fellows or Scholars, according to the exigencies of the Founders' Statutes;—and the Principal, Fellows, and Scholars, and all other Officers of the College, are required to attend upon and obey the Bishop.

The same Statute also gives directions as to the payments to be made to the Visitor or his Commissaries upon a visitation; but it provides that there shall not be more than one payment made in one and the same year for such purpose.

Copies from the College Statutes of the Oaths of the Principal and Fellows, and of the Statute "de Visitatione," are left herewith.

The visitatorial power of the Bishop of Lincoln is undoubted, and it has been exercised from time to time, whenever occasion has required it.

It was last exerted in an important matter which has been decided since the commencement of the present year.

During the reign of King Henry VIII., there does not appear to have been any interference on the part of the Crown with this College after the grant of the Charter.

In the third year of the reign of King Edward VI., A. D. 1549, a Royal Commission was issued to visit and reform the Colleges and University of Oxford; it was dated 8th May, and is set out in Rymer's Fœdera, Vol. xv. p. 183, of the London edition, and Vol. vi. Part III. p. 171, of the Hague edition. Under the authority of the Commissioners appointed by that Commission, one person seems to have been admitted a Probationary Fellow of this College by the seven senior Fellows, who, in the absence of the Principal (who appears not to have been present on this occasion), are by the Founders' Statutes, the persons authorised and

empowered to elect and admit Fellows: and leave of absence appears to have been given to another Fellow upon the application of the Commissioners. But the book in which these entries were made having been mutilated, the exact meaning of the entries, especially of the last one, cannot be ascertained with certainty.

In the reign of Queen Mary the Crown did not interfere with the College; but Cardinal Pole seems, in the year of our Lord 1556, to have exercised visitatorial authority as Legate from the Pope. The case in which he did so seems to have been first submitted to him by the Principal of the College, who asked him to confirm by his authority the expulsion of certain scholars. The Cardinal, it will be seen, clearly acknowledges the Bishop of Lincoln to be Visitor, and the Bishop concurs in and enforces the Cardinal's directions.

The result shows that the expulsion was for disobedience and rebellion against the Principal's authority, and that it was proper.

In the reign of Queen Elizabeth, Royal Commissioners appear to have acted, first, in correcting an unfounded report, that a Master of Arts had been expelled from the College, whereas he had in fact resigned voluntarily; and afterwards by looking into the state of the College, ordering that the battels be duly paid, the caution-money properly accounted for, and that the accounts of the officers be regularly kept, and certain officers who were found in arrear were ordered to pay those arrears by a stated time; and subsequently the Commissioners appear to have declared, that a Fellow who had not acquired Priest's Orders within the time prescribed by the College Statutes had ceased to be a Fellow.

The Crown does not seem to have interfered with the College in the reign of James I., further than by confirming, as before mentioned, the Letters Patent of King Edward VI.

In the reign of King Charles I., in the year 1643, when the King was at Oxford, there appear to have been controversies between the Principal and Scholars of the College upon some matter in which the King's service was concerned, and arising out of the interpretation of the College Statutes. On that occasion the King wrote to the Bishop of Lincoln, stating that he understood that the interpretation of the Statutes and the determination of all controversies between the Principal and Scholars belonged to the Bishop as Visitor, and he therefore recommends him to make a speedy visitation of the College, for the purpose of ending the differences; and he further recommends certain persons, named in his Letter, to be appointed Commissioners for the purpose.

On this recommendation, the Bishop, alleging himself to be "per Venerabiles dicti Collegii fundatores patronus sive Visitor legitime constitutus et per Statuta dicti Collegii sufficienter authorizatus," granted his Commission to the parties named by the King, and the Visitation took place accordingly.

During the subsequent Rebellion, and on the 8th of October, 1646, there was an Ordinance made by the Lords and Commons for abolishing Archbishops and Bishops (see Scobell's Acts, Part I., p. 99); and on the 1st of May, 1647, a like Ordinance, appointing Visitors for the better regulating and reformation of the University of Oxford, and the several Colleges and Halls in the same, and also appointing a Standing Committee of Lords and Commons to hear and determine Appeals from the Visitors (*ib.* 116).

Afterwards, the King having been murdered, and the House of Lords abolished in 1648, there was, on the 2nd September, 1654, an Ordinance by Cromwell and his Council for appointing Visitors for both Universities (*ib.* Part II., p. 366), who were to exercise the like power as any former Visitors had, which Ordinance was confirmed by him and his Parliament in 1656 (cap. 10, *ib.*, p. 394), and continued for six months after the end of the first Session of that Parliament. The Visitors thus appointed interfered frequently and violently with the College and its Members, ejecting Dr. Radcliffe, the Principal, and many of the Fellows, and substituting Mr. Greenwood in place of the Principal, and other persons in the place of the ejected Fellows.

In one of the Acts of the last set of these Visitors, the Bishops of Lincoln are described as "formerly Visitors of the said College."

These Acts were not done without opposition from the College. The Principal, Dr. Radcliffe, was thus ejected on the 20th January, 1647, and he died 26th June, 1648, after which the Fellows, not noticing what had been done by the Visitors in appointing Mr. Greenwood in Dr. Radcliffe's place, put up a citation for the election of a new Principal, and on the 13th July, 1648, they elected Dr. Yate, who was admitted by the Bishop of Lincoln as Visitor. Mr. Greenwood, however, having the support of the parties then in power, continued in possession until the restoration of King Charles II.

After the restoration, the House of Lords, 4th of June, 1660, ordered that the Chancellors of the Universities should take care that the several Colleges be governed according to their respective Statutes, and that persons who had been unjustly put out of their Headships, Fellowships, &c., should be restored.

In consequence of this order, the Chancellor of Oxford by his Commission appointed Visitors, who made some inquiries, with a view to a Report on the subject to the Chancellor. But afterwards they applied for and obtained a Royal Commission, under the Great Seal, dated 23rd July, 1660, appointing the same persons (with two exceptions), and certain other Visitors, who held a Visitation which continued about ten weeks, and during it they ordered the removal of Mr. Greenwood, and directed the restoration of Dr. Yate. They also ordered the removal of three persons who had been unduly put into Fellowships, and that four persons, who had been unlawfully ejected, should be received again into their Fellowships. These orders and directions seem to have been carried into effect by the College.

This Royal Commission of King Charles II. is mentioned and recognised in the Act of Parliament, 12 Car. II., c. 31.

The last interference on the part of the Crown with this College, until the Commission of

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31st of August, 1850, was by King James II., who by Letters Patent, dated 3rd of May, in the second year of his reign (A. D. 1686), gave to one of the Fellows a dispensation licensing him to absent himself from the church, chapel, or place of common prayer, as used in the Church of England, and to abstain from receiving or administering the Sacrament of the Lord's Supper, according to the usage of the said Church, and from taking the Oaths of Allegiance and Supremacy, or making or subscribing any Declaration, &c., required by the Act for "Uniformity of Public Prayers" (13th and 14th Car. II.), or any other Act or thing in conformity with the doctrine, discipline, or Liturgy of the Church of England, which by reason of his Fellowship, the Statutes of the Realm, or the Statutes or Customs of the University, or of his College, he was obliged to perform or subscribe, and allowing him to hold his Fellowship notwithstanding, and dispensing with all Acts of Parliament and Statutes of the University or College to the contrary.

It will not be forgotten that this assumed power of the Crown to dispense with laws and the execution of laws is the first of the violations of the laws and liberties of the kingdom, stated in the Act of Parliament called "The Bill of Rights" (1 Will. and Mary, sess. 2, cap. 2), as leading to the "abdication" of King James II. The third of such violations, it will be remembered, is the revival of the Commissioners for Ecclesiastical Causes; and the Act declares that such dispensing power, and the late exercise of it, are illegal, and that the Commission for erecting the Court of Commissioners for Ecclesiastical Causes, and all other Commissions and Courts of like nature, are illegal and pernicious.

There has been no attempt on behalf of the Crown to interfere in any way with the rights, property or regulations of this College since the grant of the dispensation above-mentioned, until the issue of the Commission, dated the 31st of August, 1850.

Copies of the entries in the College Books relating to these several acts on the part of the Crown and of the Pope's Legate accompany this case.

Under these circumstances you are requested to advise on behalf of the Principal and Scholars of Brasenose College—

Whether the Commission of the 31st of August, 1850, is, as respects Brasenose College, constitutional and legal, and such as the College or its Members are bound or ought to obey.

And if so, then, upon what prerogative or other right of the Crown it is founded.

If the Commission is not constitutional or legal, or such as Members of the College are bound to obey, then can such Members, consistently with their duty and obligations to the College, give information to the Commissioners respecting the College? And can those who have in their possession papers or documents belonging to the College be in any and what manner restrained from producing them, against the will of the College, to the Commissioners?

And is there any and what course which the College ought to take with a view to being relieved from the Commission and its possible ill consequences? And how ought the College or its Members to act, so as best to discharge their duty and protect the rights intrusted to them, in the manner most respectful to the Crown?

Should any other points occur to you, material for the guidance of the College or its Members in this matter, you are requested to notice them and to advise thereon.

Opinion of the Legal Advisers of Brasenose College.

Copy of Opinion.

"We are of opinion that the Commission of the 31st August, 1850, is not, as respects Brasenose College, constitutional or legal, and that it is not such as the College or its Members are bound to obey; and that the Commission cannot be supported by any prerogative or other right in the Crown.

"This College, like all other Colleges in the Universities, is a lay eleemosynary corporation.*

"In such Foundations the persons who first endow are the founders,† and, by common law, the right of visitation belongs‡ to them and their heirs, or to the persons whom such Founders appoint to be visitors, and to no others.

"Bishop Smyth and Sir Richard Sutton were the co-founders by whom Brasenose College was originally endowed, and under their appointment the Bishop of Lincoln for the time being is Visitor of the College.

"The subsequent benefactors having made no stipulation as to Visitation, their endowments and New Foundations are subject § to the same Visitatorial authority as the Original Foundation, and the Bishop of Lincoln is consequently Visitor of the whole Society and all its revenues.

"The Visitor's jurisdiction (which, as Lord Hardwicke,‖ Lord Mansfield,¶ and others have shown, is the most convenient jurisdiction for the purposes for which it is intended) springs from the rights of property which entitle** a Founder to regulate the conditions on which the objects of his endowment shall enjoy the property given by him.

"By the Common Law, the authority of a Visitor †† is absolute and final as to all matters

Note to the Opinion.

* Rex *v.* New College, Oxford, 2 Lev. 14. Philips *v.* Bury, Ld. Raym. 6. 8.

† Case of Sutton's Hospital, 10 Co. 33ª. ‡ Philips *v.* Bury, Ld. Raym. 8.

§ Green *v.* Rutherford, 1 Ves. 473. St. John's College *v.* Toddington, 1 Burr. 199. Rex *v.* Bishop of Ely, 1 Will. Bl. 87. ‖ 1 Ves. 79. ¶ 1 Burr. 198. 1 Will. Bl. 82.

** 2 Lev. 15, 16. Green *v.* Rutherford, 1 Ves. 472.

†† Rex *v.* Bishop of Ely, 1 Will. Bl. 82. St. John's College *v.* Toddington, 1 Burr. 199. Rex *v.* Bishop of Chester, 1 Wils. 209. Rex *v.* Grundon, 1 Cowp. 322. Berkhampstead School Case, 2 V. and B. 134. Rex *v.* Alsop, 2 Show 170. Attorney-General *v.* Talbot, 1 Ves. 79. Widdrington's Case, 1 Lev. 23. Rex *v.* New College, 2 Lev. 15, 16. Philips *v.* Bury, Ld. Raym. 8.

within his jurisdiction, and his power as to those matters cannot be taken away, exercised, or controlled by any other authority, excepting of course the Supreme Legislature.

"The present Commission purports to authorize an inquiry (the object of which is wholly undefined) into the state, discipline, studies, and revenues of the College, and to empower the Commissioners to call persons before them for examination, and to call for and examine such books, documents, papers, and records, as they think proper.

"But these subjects of inquiry are matters which belong to the exclusive jurisdiction of the Visitor, and are comprised in the various matters particularly pointed out for his attention by the College Statute 'de Visitatione.'

"That, therefore, which the Commission purports to authorise would be an interference with and exercise of the Visitor's authority. But the Courts of Common Law and Equity have repeatedly decided that they cannot interfere with or exercise the Visitor's authority; and the Crown cannot by prerogative create any new Court or authority with powers contrary to or other than those of the Common Law.

"We are of opinion, therefore, that this interference with the Visitor's exclusive jurisdiction renders the Commission illegal and unconstitutional as it respects Brasenose College.

"We are also of opinion, that this Commission is, as it affects the College, unconstitutional and illegal for the reasons given in our Opinion, dated the 3rd of March, 1851, respecting its constitutional and legal character as it regards the University of Oxford apart from its Colleges, and which reasons we do not now repeat, because that Opinion has been since published and communicated to the College.

"As to the question whether Members of the College can, consistently with their duty and obligations to the College, give information respecting it to the Commissioners, we feel that, in advising upon matters of law, we ought not to express an opinion upon any duties or obligations except such as are of a legal nature; as to those we are of opinion that Members of the College cannot legally be required to give any such information.

"And that whatever justification or protection a person might have in giving information to a legally constituted tribunal, he can have none from the present Commission, if, by voluntarily giving information under it, he violates any statute of his College, or any duty or obligation to it.

"The oath * of a Member on the Foundation of the College, has, in addition to its other obligations, the force of a Statute; and the question, whether in any particular case any such Member of the College shall have offended against his duty and obligations to the College by giving information, must depend on the nature of the information, and the circumstances of the case. The question, should it arise, will be one for the decision of the Visitor, who, if he finds that such an offence has been committed, will also have to decide what penalty or consequences have been thereby incurred by the offender.

"As to any other Members of the College not expressly recognized by the Statutes, they are † mere Boarders, bound, while they continue such, to obey the rules of the Society, and subject, not to the Visitor, but to the authorities of the College, who may remove them at their pleasure, and give directions for their conduct in the mean time, directions which it will be their duty to obey, either in regard to the Commission or otherwise.

"With regard to papers and documents belonging to the College, the College has a right to give directions as to their custody and disposition, and may remove them from the possession of any person who may be supposed likely to produce them improperly. The mode of proceeding against any such person, if he should resist the College, will depend on the relation in which he stands towards it. If he should be a Member, the course of proceeding would be by a College order, and if necessary, an application to the Visitor.

"If not a Member, but a person who has got possession of the documents or obtained information in the course of confidential communications, or by reason of a fiduciary relation between himself and the College, the Court of Chancery would probaby interfere to compel him to ‡ deliver up such documents, and, in the mean time, on an immediate application, to restrain § him from disclosing information so obtained.

"If the College shall deem it incumbent on them in the discharge of their duty, and in the protection of the rights entrusted to them, not to submit to this Commission until its legality shall have been duly established, we are of opinion that the most constitutional and most respectful course for the College to take will be to petition Her Majesty in Council, representing the loyal and respectful wishes of the College as stated in the case, the dangers which are apprehended from the Commission, and the advice which the College has received respecting it, and praying that the Commission may be recalled and cancelled, or superseded so far as regards Brasenose College; or otherwise that it may be reconsidered by Her Majesty in Council; and that in the latter case the College may be heard by counsel against it.

"G. J. TURNER.
"RICHARD BETHELL.
"HENRY S. KEATING.
"J. R. KENYON.

"*Lincoln's Inn, March* 10, 1851."

On receiving this intimation, that the act of the Crown in issuing the Commission was impugned, the Commissioners felt it to be their duty to communicate the circumstance to Lord John Russell, as recorded in the following Minute:—

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* Stat. Brasenose College, cap. 7 and 8.
† Ex parte Davison, quoted 1 Cowper, 319.
‡ *See* Jackson *v.* Butler, 2 Atk. 306. Wood *v.* Rowcliffe, 3 Hare. 304, 2 Phill. 382.
§ *See* Evitt *v.* Price, 1 Sim. 483. Yovett *v.* Winyard, 1 Jac. and W. 394. Cholmondeley *v.* Clinton, 19 Ves. 261.

Minute of March 18, 1851.

Communication of Her Majesty's Commissioners with Lord John Russell.

A communication having been received from the Vice-Chancellor of the University of Oxford, comprising a case submitted by the University Authorities to Counsel, and the opinion of Counsel thereon, together with a letter from the Vice-Chancellor:—

It was resolved to lay the case and opinion before Lord John Russell, and to represent to him that so long as the act of the Crown in issuing the Commission is subject to the imputation which the opinion throws on it, of being not legal, the Commissioners anticipate serious obstructions to their inquiry.

That they, therefore, submit to Lord John Russell the question whether it will be advisable or not for him to take some step which may satisfy those who entertain doubts of the legality of the Commission, and are therefore deterred from giving evidence.

The Solicitor of the Treasury was accordingly instructed by Lord John Russell to submit the case of the Board of Heads of Houses and Proctors to the Queen's Advocate-General, the Attorney-General, and the Solicitor-General, with other documents, which will appear in Appendix C.

The opinion of the Law Officers of the Crown is here subjoined:—

Opinion of the Law Officers of the Crown.

Opinion of the Law Officers of the Crown (Sir John Dodson, Advocate-General, Sir A. J. E. Cockburn, Attorney-General, and Sir W. P. Wood, Solicitor-General), respecting the legality and constitutional character of the Oxford University Commission.

We are of opinion that the Commission which has been issued under the Queen's Sign Manual, for inquiring into the state, discipline, studies, and revenues of the University of Oxford, and of all and singular the Colleges in the said University, is not in any respect illegal or unconstitutional.

In arriving at this conclusion, we have given full attention to the case on the part of the University of Oxford, and the opinion of Counsel thereon, which have been submitted to us.

It appears to us that the authorities on the subject of Special Royal Commissions relied on in that opinion are quite beside the present question. The Commissions prior to that issued by James II. are referred to in the margin of the passages cited in the above opinion from Lord Coke's Reports, and from his fourth Institute. They resolve themselves into, 1stly, Commissions to impose burdens upon particular districts, such as providing vessels, &c., without the authority of Parliament; in other words, illegally taxing the subject by the sole authority of the Crown. 2ndly. Commissions armed with power of fine and imprisonment. 3rdly. Commissions to hear and determine offences in a manner contrary to law; both which classes of Commissions were clearly illegal, as superseding the established law and tribunals of the land, and establishing new jurisdictions unknown to the law. 4thly. Commissions to hear and inquire into offences without determining them;—also a course of proceeding unknown to and contrary to the law.

It is to this latter sort of Commission that Lord Coke refers in his Twelfth Report, page 31 (as is plain when the whole passage is cited), when he says, "No such Commission was ever seen to enquire, *i. e.*, of crimes." And it is to such a Commission that he applies the remark that, "A man may be unjustly accused by false evidence, and shall not have any remedy."

The Commission of James II., which was condemned by the Bill of Rights, "together with all other Commissions of like nature," was a Commission to the persons therein named, to hear and determine all ecclesiastical offences which by law are determined by the Ecclesiastical Courts, including powers for deprivation of Ecclesiastics, and punishment of adultery and other offences, which are the subject of Ecclesiastical jurisdiction, and a power also to award the costs of suit; and it further purported to authorize them to alter the statutes, not only of the Universities but of "all Cathedrals and Collegiate Churches, Colleges, Grammar-schools, and other Ecclesiastical Corporations."

Here again was a substitution of a new jurisdiction for the constituted tribunals of the country, and a direct and open violation of public and private rights.

It is obvious that there is nothing in common between Commissions of this nature and a Commission of Inquiry, such as is now before us,—a Commission issued by the Crown for the purpose of obtaining information on a matter of public concern, without the assumption of any compulsory powers, and whose sole authority is derived from the respect with which it may be expected that a Royal Commission will be treated by Her Majesty's subjects, more especially by public bodies and constituted authorities.

There is no authority which appears to us to throw any doubt upon the legality of a Commission of Inquiry of this nature. We observe that Sir James Scarlett, in giving his opinion that the Merchant Tailors' Company could not be *compelled* to answer the inquiries put to them by the Municipal Corporation Commissioners, admits that "Commissions of Inquiry may be the source of much useful information furnished voluntarily."

Furthermore, these Commissions have now been sanctioned by very frequent usage in modern times.

Several of them have been suggested by addresses of the Houses of Parliament, and have included, as Commissioners, Judges of the Superior Courts, Law Officers of the Crown, and barristers of the highest eminence, who have acted and reported thereon,—it is to be presumed, with a full belief that the authority under which they acted was neither unconstitutional nor illegal.

Opinion of the Law Officers of the Crown.

We therefore see no reason to doubt the perfect propriety of the present commission on legal or constitutional grounds.

(Signed) JOHN DODSON.
A. J. E. COCKBURN.
W. P. WOOD.

Doctors' Commons, April 10, 1851.

This opinion was communicated to the Vice-Chancellor in the following letter, to which is subjoined the Vice-Chancellor's answer:—

Oxford University Commission, Downing-street,
May 3, 1851.

MR. VICE-CHANCELLOR,

Letter to the Vice-Chancellor.

IN consequence of your letter of the 13th March last, enclosing a legal opinion that Her Majesty's Commission for inquiring into the State, Studies, &c., of the University of Oxford is "not constitutional or legal," the question has been submitted to Her Majesty's legal advisers.

Having obtained permission to make known their opinion, I have the honour of transmitting to you a copy of it, for the purpose of having it communicated to the Board of Heads of Houses and Proctors.

(Signed) S. NORWICH.

University College, Oxford, May 5, 1851.

MY LORD,

Letter from the Vice-Chancellor.

I BEG to acknowledge the receipt of your Lordship's communication of the 3rd inst., enclosing a copy of counsel's opinion in reference to the University Commission, which has this day been laid before the Board of Heads of Houses and Proctors.

May I be allowed to ask whether there would be any objection on the part of the Commissioners to the Board having some copies of this opinion printed, for distribution among other members of the University besides the members of the Board of Heads of Houses and Proctors, if it should be found desirable.

I avail myself of this opportunity to express my regret that in the case submitted for a legal opinion on behalf of the Board of Heads of Houses and Proctors (a copy of which I transmitted some time ago to your Lordship), there should have been an error in regard to the letter therein stated to have been sent by myself in reply to your communication of the 21st of October last. The letter was inadvertently copied from the draught of an answer, which it has since appeared was not actually sent to your Lordship.

I beg to remain, my Lord,
Your faithful servant,
F. C. PLUMPTRE, *Vice-Chancellor.*

The Right Rev. the Lord Bishop of Norwich.

The next and last communication from the Vice-Chancellor was as follows:—

University College, Oxford, May 13, 1851.

MY LORD,

Letter from the Vice-Chancellor, inclosing a copy of a Petition of the University to Her Majesty in Council.

I BEG to inform your Lordship that it has been resolved at a meeting of the Board of Heads of Houses and Proctors, on the 12th instant, to propose to Convocation, on Wednesday the 21st inst., to affix the University Seal to a humble petition to Her Majesty the Queen in Council, praying to he heard by counsel against the Oxford University Commission. I enclose a copy of this petition.

I trust it is unnecessary to assure your Lordship and your brother Commissioners that the Board, in adopting this resolution, have been influenced solely by a sense of what they conceived to be their duty towards the University; and they trust that in so doing they may not be considered to show any want of courtesy and respect for those who have been appointed to act under this Commission.

I have the honour to be, my Lord,
Your faithful servant,
F. C. PLUMPTRE,
Vice-Chancellor.

The Right Rev. the Lord Bishop of Norwich.

At a Meeting of the Board of Heads of Houses and Proctors:—

The opinion of counsel having been taken upon the constitutional and legal character of the Commission of Inquiry into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, and that opinion being that that Commission is not constitutional and legal:

In Convocation to be holden on Wednesday, the 21st instant, at two o'clock, it will be proposed to affix the University seal to the following humble Petition, as settled by counsel, to the Queen's Most Excellent Majesty in Council.

F. C. PLUMPTRE,
Vice-Chancellor.

Delegates' Room, May 12, 1851.

IN THE PRIVY COUNCIL.

To the Queen's Most Excellent Majesty in Council.

The Humble Petition of the Chancellor, Masters, and Scholars of the University of Oxford,

SHOWETH,

That the University of Oxford has from time immemorial been an University or Body Corporate, which, since the passing of the Statute made in the Parliament holden in the 13th year of the reign of Queen Elizabeth for the incorporation of both the Universities, has been

APPENDIX B.

Petition of the University to Her Majesty in Council.

and is known by the said name or style of The Chancellor, Masters, and Scholars of the University of Oxford, and your petitioners have had and enjoyed, and still have, and are justly entitled to, divers rights, franchises and privileges, as well by prescription as by various Charters and Letters Patent granted by divers of your Majesty's Royal predecessors, and also by the aforesaid Statute, by virtue of which your Petitioners and their predecessors have been and still are a Civil Corporation, justly entitled to the sole care, supervision, government, and correction of the same University, and of all members thereof, and to the sole regulation and direction of the state, discipline, and studies of the same University and its members, and also to the sole care, management, and disposal of the property and revenues of or belonging to the same University.

That your Petitioners have used and exercised, and are still using and exercising, their several rights and privileges, in accordance with the principles of their constitution, for the maintenance of true religion, the advancement of literature and science, and the virtuous education of youth within their University.

That your Petitioners humbly believe that in such use and exercise of their said rights and privileges they and their predecessors have greatly contributed towards the improvement, welfare, and happiness of Your Majesty's subjects, to the supply of persons qualified to serve in Church and State, and to the honour of this kingdom.

That a Commission under Your Majesty's Royal Sign Manual, and countersigned by one of Your Majesty's Principal Secretaries of State, has been issued, bearing date the 31st day of August, 1850, a printed copy of which was, on or about the 21st day of October, 1850, transmitted by the persons therein named as Commissioners, to the Vice-Chancellor of the said University, and was in the words and figures following (that is to say)—

"VICTORIA R.

"Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Right Reverend Father in God, Samuel Bishop of Norwich; Our trusty and well-beloved Archibald Campbell Tait, D.C.L., Dean of Carlisle; Francis Jeune, Clerk, D.C.L., Master of Pembroke College in Our University of Oxford; Henry George Liddell, Clerk, M.A., Head Master of St. Peter's College, Westminster; John Lucius Dampier, Esq., M.A., Vice-Warden of the Stannaries of Cornwall; Baden Powell, Clerk, M.A., Savilian Professor of Geometry in our University of Oxford; and George Henry Sacheverell Johnson, Clerk, M.A., of Queen's College in our University of Oxford, greeting: Whereas We have deemed it expedient, for divers good causes and considerations, that a Commission should forthwith issue for the purpose of inquiring into the State, Discipline, Studies, and Revenues of our University of Oxford, and of all and singular the Colleges in Our Universities: Now know ye, that We, reposing great trust and confidence in your knowledge, ability, and discretion, have authorised and appointed, and do by these presents authorise and appoint you, the said Samuel Bishop of Norwich, Archibald Campbell Tait, Francis Jeune, Henry George Liddell, John Lucius Dampier, Baden Powell, and George Henry Sacheverell Johnson, to be Our Commissioners for inquiring into the State, Discipline, Studies, and Revenues of Our University of Oxford, and of all and singular the Colleges in Our said University. And for the better enabling you to carry these Our Royal Intentions into effect, We do by these presents authorise and empower you, or any four or more of you, to call before you, or any four or more of you, such persons as you may judge necessary, by whom you may be the better informed on the matters herein submitted for your consideration; also to call for and examine all such Books, Documents, Papers, and Records as you shall judge likely to afford you the fullest information on the subject of this Our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever. And it is Our further will and pleasure that you, or any four or more of you, do report to Us, in writing, under your hands and seals, within the space of two years from the date of these presents, or sooner if the same can reasonably be, your several proceedings by virtue of this Our Commission, together with your opinions touching the several matters hereby referred for your consideration.

"And We will and command, and by these presents ordain, that Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any four or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

"And for your assistance in the due execution of these presents We have made choice of Our trusty and well-beloved Arthur Penrhyn Stanley, Clerk, Master of Arts, to be Secretary to this Our Commission, and to attend you; whose services and assistance We require you to avail yourselves of from time to time as occasions may require.

"Given at Our Court at St. James's, the 1st day of August, 1850, in the 14th year of Our reign.

"By Her Majesty's Command,

"G. GREY."

That the said Commission is not sealed by any seal or signet, and your Petitioners believe there is no former instance of such a Commission having issued with respect to the said University.

That your Petitioners beg most humbly to represent to Your Majesty that the said Commission, and the powers therein expressed to be granted, are inconsistent with the legal rights and privileges of your Petitioners, and that in consequence thereof your Petitioners are placed in the painful situation of being compelled either to give up their just legal rights and liberties, or to decline obedience to the Commands of Your Majesty.

That your Petitioners are advised, and humbly beg leave to submit to Your Majesty, that if there existed any cause of complaint against your Petitioners, the same should have been openly preferred and decided in some one of Your Majesty's established Courts of Justice, and according to the known laws of the land, but that the said Commission has been issued by

Petition of the University to Her Majesty in Council.

the advisers of Your Majesty without your Petitioners having had any opportunity of being heard respecting it, and without their having received any previous intimation of complaint; and that the so doing does, in an undefined manner, and without assigning any charge, impute blame to your Petitioners, and invite secret accusations against them, which your Petitioners humbly submit is not only contrary to Your Majesty's love of justice, but also is calculated to create general distrust, to impede the course of improvement, and to destroy that confidence and stability which are essential for the well-being of an University.

That your Petitioners, feeling the most loyal affection for Your Majesty, and earnestly desiring to manifest their duty, and obedience to your authority, did not venture to approach Your Majesty with the language of complaint until they had ascertained by careful investigation the true nature and extent of the rights, privileges, and franchises which have been granted to your Petitioners by Your Majesty's Royal predecessors, and confirmed to them by Statute; and also had been advised that the said Commission was not in conformity with the law, and must be taken to have been improvidently issued.

That your Petitioners being thus advised, and believing that the said Commission is unconstitutional and illegal, forthwith communicated the same to the Commissioners acting under the said Commission for their consideration.

That the said Commissioners are, notwithstanding, continuing to act under the said Commission.

Your Petitioners therefore humbly beg leave to approach Your Majesty with this their Petition, and humbly pray that Your Majesty will be graciously pleased to direct that the said Commission be forthwith revoked and cancelled; or that, if necessary, Your Majesty will be graciously pleased to direct this Petition to be taken into consideration before Your Majesty in Council, and that Your Petitioners may have Your Majesty's permission to attend such Council, and full liberty to be heard before the same by their Counsel learned in the Law, and that on full investigation and discussion of the matters aforesaid, Your Majesty will be pleased to direct the said Commission to be annulled, or to make such other order respecting the same as to Your Majesty, in your grace and wisdom, shall seem fit.

And Your Petitioners will ever pray, &c.

"We approve of this draft petition. "RICHARD BETHELL.
"J. R. KENYON."

"*Lincoln's Inn, May* 7, 1851."

This Petition was sanctioned in the House of Convocation by a majority of 249 to 105, on the 21st of May, 1851.

The following is the Order in Council with respect to the above Petition :—

At the Court at Buckingham Palace, the 17th day of July, 1851.

Present:

The QUEEN'S MOST EXCELLENT MAJESTY in COUNCIL.

Order in Council with respect to the Petition.

WHEREAS there was this day read at the Board, a Report of a Committee of the Lords of Her Majesty's Most Honourable Privy Council, dated the 14th of this instant July, in the words following, viz. :—

> Your Majesty having been pleased by your Order in Council of the 25th day of June last to refer unto this Committee the humble Petition of the Chancellor, Masters, and Scholars of the University of Oxford, praying for the reasons therein set forth that your Majesty would be graciously pleased to direct that the Royal Commission bearing date the 31st day of August, 1850, issued for the purpose of inquiring into the State, Discipline, Studies, and Revenues of the said University of Oxford, and of all and singular the Colleges in the said University, be revoked and cancelled, or that, if necessary, Your Majesty would be pleased to direct the said Petition to be taken into consideration before Your Majesty in Council, and that Your Majesty's Petitioners might have permission to attend such Council, and full liberty to be heard before the same by their counsel learned in the law; the Lords of the Committee, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report, as their opinion, to Your Majesty, that it would not be advisable for Your Majesty to comply with the prayer of the said Petition.

Her Majesty having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof.

At a later date the following copy of a similar petition on the part of Brasenose College was transmitted to the Commission.

Petition of the Principal and Scholars, and the Visitor of Brasenose College, to Her Majesty in Council.

To the Queen's Most Excellent Majesty in Council.

The Humble Petition of the Principal and Scholars of the King's Hall and College of Brasenose, in the University of Oxford, and of the Right Reverend John Lord Bishop of Lincoln, the Visitor of the same College,

SHEWETH,

THAT King Henry the Eighth, by his Charter, bearing date the 15th day of January, in the third year of his Reign, granted to William Smyth, then Bishop of Lincoln, and to Sir Richard Sutton, that they, and either of them, might found a new College in a messuage,

APPENDIX B.

Petition of the Principal and Scholars, and the Visitor of Brasenose College, to Her Majesty in Council.

hostel, or tenement in the University of Oxford, then commonly called Brasenose, to consist of one Principal, and Scholars to be instructed in the Sciences therein mentioned, and afterward, and above all, in Divinity, and to be called by the name of the Principal and Scholars of the King's Hall and College of Brasenose, to be ruled and governed according to Ordinances to be made by the same Bishop and Sir Richard, or either of them; and that the said Prncipal and Scholars, and their successors, should be a body corporate, and have perpetual succession and a Common Seal, and have power to acquire and hold lands, tenements, and hereditaments, together with power to sue and be sued, and other rights and privileges.

That the said Charter was afterwards confirmed by Letters Patent of King Edward the Sixth, bearing date the 1st day of July, in the first year of his reign, and by Letters Patent of King James the First, bearing date the 2nd day of December, in the second year of his reign in England.

That under or by virtue of the said Charter, the said Bishop Smyth and Sir Richard Sutton duly founded the said College, and composed a body of Statutes or Ordinances for the regulation and government of the same, and of the members thereof, which Statutes or Ordinances were afterwards revised, and ultimately reduced into systematic order, and duly ratified by the seal of the said Sir Richard Sutton, then the survivor of the said Founders, on the 1st day of February, in the thirteenth year of the reign of King Henry the Eighth, and the same have ever since been, and are now, the governing statutes of the said College.

That the original endowments of the said College were given in nearly equal proportions by the said two Founders, and the said Founders duly appointed the Bishops of Lincoln for the time being Visitors of the said College.

That other endowments were at later periods added by other private benefactors, but such other benefactors did not annex to their gifts any stipulation as to visitation.

That the said College has not at any time received any endowment from the Crown or from any public source.

That your Petitioners beg humbly and dutifully to represent to Your Majesty that your Petitioners, the said Principal and Scholars, are, under the circumstances aforesaid, a lay eleëmosynary foundation, and that your Petitioner, the said Bishop of Lincoln, is the sole Visitor thereof, and of all and singular the members of the said foundation, with full power to provide against want of discipline therein, or neglect, abuse, or disuse of the said Statutes; and to make minute inquiries, and to do all things necessary or proper to the extent of removing the Principal, Vice-Principal, or any of the Fellows or Scholars thereof, according to the exigencies of the said Statutes; and that the members of the said College are bound by solemn obligations to observe the Statutes of the said College, and to obey the interpretations, declarations, and expositions of them made by their said Visitor, and not to accept or consent to any other Statutes, Ordinances, or changes in any way derogating from, or contrary to, the said Statutes; and not to reveal the private matters of the College, to its damage or prejudice.

That a Commission under Your Majesty's Royal Sign Manual, and countersigned by one of Your Majesty's Principal Secretaries of State, has been issued, bearing date the 31st day of August, 1850, a printed copy of which was on or about the 27th of October, 1850, transmitted by the persons therein named as Commissioners to the Principal of the said College, and was in the words and figures following (that is to say),

"VICTORIA R.

"Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Right Reverend Father in God, Samuel Bishop of Norwich; Our trusty and well beloved Archibald Campbell Tait, D.C.L., Dean of Carlisle; Francis Jeune, Clerk, D.C.L., Master of Pembroke College in Our University of Oxford; Henry George Liddell, Clerk, M.A., Head Master of St. Peter's College, Westminster; John Lucius Dampier, Esq., M.A., Vice-Warden of the Stannaries of Cornwall; Baden Powell, Clerk, M.A., Savilian Professor of Geometry in Our University of Oxford; and George Henry Sacheverell Johnson, Clerk, M.A., of Queen's College, in Our University of Oxford, greeting: Whereas We have deemed it expedient, for divers good causes and considerations, that a Commission should forthwith issue for the purpose of inquiring into the State, Discipline, Studies, and Revenues of Our University of Oxford, and of all and singular the Colleges in Our University: Now know ye, that We, reposing great trust and confidence in your knowledge, ability, and discretion, have authorised and appointed, and do by these presents authorise and appoint you, the said Samuel Bishop of Norwich, Archibald Campbell Tait, Francis Jeune, Henry George Liddell, John Lucius Dampier, Baden Powell, and George Henry Sacheverell Johnson, to be Our Commissioners for inquiring into the State, Discipline, Studies, and Revenues of Our University of Oxford, and of all and singular the Colleges in Our said University: and for the better enabling you to carry these Our Royal intentions into effect, We do, by these presents, authorise and empower you, or any four or more of you, to call before you, or any four or more of you, such persons as you may judge necessary, by whom you may be the better informed on the matters herein submitted for your consideration; also to call for and examine all such Books, Documents, Papers, and Records as you shall judge likely to afford you the fullest information on the subject of this Our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever. And it is Our further will and pleasure that you, or any four or more of you, do report to Us, in writing, under your hands and seals, within the space of two years from the date of these presents, or sooner if the same can reasonably be, your several proceedings by virtue of this Our Commission, together with your opinions touching the several matters hereby referred for your consideration.

"And We will and command, and by these presents ordain, that Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any four or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment. And for your assistance in the

due execution of these presents, We have made choice of Our trusty and well beloved Arthur Penrhyn Stanley, Clerk, M.A., to be Secretary to this Our Commission, and to attend you; whose services and assistance We require you to avail yourselves of from time to time as occasions may require.

"Given at Our Court at St. James's, the 31st day of August, 1850, in the 14th year of Our reign.

"By Her Majesty's Command,

"G. GREY."

That the said Commission is not sealed by any seal or signet, and your Petitioners believe that there is no former instance of such a Commission having issued with respect to the said College.

That your Petitioners beg most humbly to represent to Your Majesty that the subjects of inquiry which the said Commission purports to authorise belong to the exclusive jurisdiction of your Petitioner, the said Bishop of Lincoln, as Visitor of the College, and that the said Commission, and the powers therein expressed to be granted, are inconsistent with such exclusive jurisdiction, and with the legal rights and privileges of your Petitioners respectively.

That your Petitioners are advised, and humbly beg leave to submit to Your Majesty, that if there existed any cause of complaint against the said College, or any member of the same, or any case for inquiry in respect of the said foundation, the same should have been openly preferred before your Petitioner, the said Bishop of Lincoln, as such Visitor, but that the said Commission has been issued by the advisers of Your Majesty without your Petitioners, or either of them, having had an opportunity of being heard respecting it, and without their having received any previous intimation of complaint.

That your Petitioners also submit that the said Commission detracts from and affects the authority conferred upon your Petitioner, the Bishop of Lincoln, in the Statute "de Visitatione," for the protection of the College.

That your Petitioners have felt themselves placed, by the issuing of the said Commission, in a position in which their desire to act as loyal and devoted subjects of Your Majesty is made to conflict with their obligations under the Statutes of the said College and the oaths which they have taken to observe them.

That your Petitioners have not ventured to approach Your Majesty with this their Petition until they had ascertained by careful investigation the true nature and extent as well of their respective rights and privileges as of their duties, and also had been advised that the said Commission was not in conformity with the law, and must be taken to have been improvidently issued.

That your Petitioners being thus advised, forthwith communicated the same to the Commissioners acting under the said Commission for their consideration.

That the said Commissioners have notwithstanding continued to act under the said Commission.

Your Petitioners therefore humbly beg leave to approach Your Majesty with this their Petition, and humbly pray that Your Majesty will be graciously pleased to direct that the said Commission be forthwith superseded so far as it relates to the said King's Hall and College of Brasenose, or that, if necessary, Your Majesty will be graciously pleased to direct this Petition to be taken into consideration before Your Majesty in Council, and that your Petitioners may have Your Majesty's permission to attend such Council, and full liberty to be heard before the same by their counsel learned in the law, and that, on full investigation and discussion of the matters aforesaid, Your Majesty will be pleased to direct the said Commission to be superseded as regards your Petitioners, or to make such other Order respecting the same as to Your Majesty in your grace and wisdom shall seem fit.

And your Petitioners will ever pray, &c.

Given under the Common Seal of the said College, and under the Hand and Episcopal Seal of the said John, Lord Bishop of Lincoln, the 12th day of July, in the year of Our Lord 1851.

The following is the Order in Council respecting the above Petition.

At the Court at Osborne House, Isle of Wight, the 25th day of August, 1851.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Report of a Committee of the Lords of Her Majesty's Most Honourable Privy Council, dated the 23rd day of this instant, August, in the words following, viz.:—

Your Majesty having been pleased, by your Order in Council of the 7th day of this instant, August, to refer unto this Committee the humble Petition of the Principal and Scholars of the King's Hall and College of Brasenose, in the University of Oxford, and of the Right Reverend the Lord Bishop of Lincoln, Visitor of the said College, praying, for the reasons therein set forth, that Your Majesty would be graciously pleased to direct that the Royal Commission, bearing date the 31st day of August, 1850, issued for the purpose of inquiring into the State, Discipline, Studies, and Revenues of the

Appendix B.

Order in Council with respect to the Petition of Brasenose College.

said University of Oxford, and of all and singular the Colleges of the said University, may be superseded so far as it relates to the said King's Hall and College, or that, if necessary, Your Majesty would be pleased to direct the said Petition to be taken into consideration before Your Majesty in Council, and that Your Majesty's Petitioners might have permission to attend such Council, and full liberty to be heard before the same by their counsel learned in the law: The Lords of the Committee, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty, that it would not be advisable for Your Majesty to comply with the prayer of the said Petition.

Her Majesty having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof.

APPENDIX C.

[See Report, p. 4, and Appendix B., p. 32.]

Documents relating to the Visitation of the University transmitted to the Law Officers of the Crown.

The following is copy extract from the Records at the Privy Council Office, respecting a dispute between the Lord Archbishop of Canterbury and the two Universities concerning the right of visiting the Universities, Jure Metropolitico:—

At the Court at Hampton Court, the 21st of June, 1636.

Present:

1636. 12 Car. I.

The King's Most Excellent Majesty.

Lord Archbishop of Canterbury.	Earl of Holland.
Lord Keeper.	Earl Morton.
Lord Treasurer.	Earl Sterline.
Lord Privy Seal.	Lord V. Wentworth.
Lord Duke of Lenox.	Mr. Treasurer.
Lord Marquis of Hamilton.	Mr. Vice Chamberlain.
Lord Chamberlaine.	Mr. Secretary Windebank.
Earl of Dorset.	

Case of Archbishop Laud, in 1636.

This day His Majesty sitting in Council was graciously pleased to hear and determine a difference and debate lately risen between the Lord Archbishop of Canterbury, His Grace, and the two Universities of England, concerning the right of visiting the said Universities, jure Metropolitico, in the presence of the Lord Archbishop of Canterbury, being also Chancellor of the University of Oxon, and of the Earl of Holland, Chancellor of the University of Cambridge, and of persons sent and authorised by each of the said Universities, and of the Counsel of all the said parties.

In the first place it was of all sides acknowledged to be the undoubted right of the Crown to visit the said Universities whenever His Majesty pleaseth, and it was on all parts confessed that the Archbishop in right of his Metropolitical Church of Canterbury hath power to visit his whole province in which the said Universities are situate, and are under the same power unless they could show privilege and exemption, which they then offered to show, but were not such as did or could give satisfaction. And His Majesty upon full hearing of the proofs on both sides, and great consideration had of them, declared, that by no Papal Bull could they be exempted, and likewise that by none of their Charters they were exempted. And lastly, the omission of the Archbishop to visit since the visitation showed unto His Majesty could in no way in this case be a prescription to bar the right of the Metropolitical See. But it appeared to His Majesty for and in affirmance of the right of the Archbishop that actually both of the Universities had been visited by three of his predecessors, Jure Metropolitico, and not by any legatine power. And that the Metropolitical right coming in question upon the resistance of the University of Oxon to be visited by the Archbishop, it was upon great advice and full hearing of both parts adjudged for the Archbishop by His Majesty's predecessor King Richard II., and afterwards upon a like re-hearing and re-examination adjudged and affirmed by King Henry IV., and both of their judgments upon a third and full re-examination established by Act of Parliament, 13 Henry IV., now showed by the Archbishop under the Great Seal of King Henry IV. And the Archbishop produced before His Majesty the original renunciation of all privileges from any Pope by the University of Cambridge, under the hands of the Heads of Houses there. Upon which right so clearly appearing both by practice and resolution of the Kings and Parliament, His Majesty, with the advice of his Council, declared and adjudged the right of visiting both the Universities as Universities, and the Chancellors, Scholars, their Servants, and all others enjoying the privilege of the said Universities, to belong to the Archbishop and to the Metropolitical Church of Canterbury by themselves or Commissaries, and that they shall be from time to time obedient thereunto. Whereupon the Archbishop made an humble motion to His Majesty, first for himself, that he would be graciously pleased that he might have this sentence drawn up by advice of His Majesty's learned Counsel, and put under the broad seal to settle all differences that might hereafter arise. Then on behalf of both the Universities, that though they were to be visited by the Archbishop and his successors, yet that they should not be visited by the Bishop of the Diocese or Archdeacon, but should perpetually remain free and exempt from the visitation and jurisdiction of the Bishop and Archdeacon of the places where they are. But then since it was declared his right to visit Metropolitice, and that it was not limited by law how often he might visit; therefore, notwithstanding the late custom of visitation, semel in vita tantum, he might visit the Universities by himself or his Commissaries as often as any great emergent cause should move him thereunto. Provided that neither the said Archbishop, or any his successors after his first visitation, shall visit on such emergent cause, unless the said cause be first made known to His Majesty and his successors, and approved by him or them. All which was graciously granted by His Majesty and so settled. And lastly, whereas it was alleged that the Chancellors of either University were and are like to be persons of great honour and eminence, and therefore it might be inconvenient that they should be called

APPENDIX C.

to such visitations; it was declared by His Majesty that such inconvenience would easily be helped, for that in course of law the Chancellor would be allowed to appear by his proxy.

Case of Dr. Bentley.

See Monk's Life of Bentley, vol. ii., ch. 14, for an account of the proceedings on a petition presented by Dr. Bentley to the King as Supreme Visitor of the University, complaining that he had been suspended from his degrees by the Vice-Chancellor, without hearing or summons, and inhibited from discharging his duty as Regius Professor.

It appears from the books at the Privy Council Office, that at a Court held at St. James's, on October 30, 1718, upon reading the above petition, it was ordered "that the same be sent to the Rev. Dr. Gooch, Vice-Chancellor of the University, who is hereby directed to attend His Majesty in Council on Thursday next, November 6, at St. James's, to give an account of the proceedings which have occasioned the said complaint."

1718. 5th Geo. I.

The following is copy Order in Council of 6th November, 1718.

At the Court held at St. James's the 6th November 1718.

Present:

THE KING'S MOST EXCELLENT MAJESTY.

Lord Archbishop of Canterbury.	Earl of Stanhope.
Lord Chancellor.	Bishop of London.
Lord President.	Lord Torrington.
Lord Privy Seal.	Lord Coningsby.
Lord Steward.	Mr. Vice-Chamberlain.
Lord Chamberlain.	Mr. Secretary Craggs.
Duke of Bolton.	Lord Chief Justice King.
Duke of Marlborough.	Mr. Smith.
Duke of Montrose.	Mr. Hampden.
Duke of Roxburgh.	

His Majesty having been pleased by his Order in Council of the 30th of the last month, to direct Dr. Gooch, Vice-Chancellor of the University of Cambridge, to attend this day and give His Majesty an account of the proceedings that occasioned the complaint then made against him by Richard Bentley, Doctor in Divinity, Master of Trinity College, and Regius Professor of Divinity, in the University of Cambridge; and the said Vice-Chancellor having accordingly this day attended and presented an account of the said proceedings, which being read at the Board, it was thereupon ordered by His Majesty that the said account, together with Dr. Bentley's petition (copies whereof are hereunto annexed), be and they are hereby referred to the Lords of His Majesty's Most Honourable Privy Council to examine the same and to consider of the properest method of proceeding on the said complaint, and report to His Majesty their Lordships' opinion thereupon.

The following is copy Order in Council of 10th December, 1718.

At the Council Chamber, Whitehall, the 10th day of December, 1718.

Present:

Archbishop of Canterbury.	Earl Stanhope.
Lord Chancellor.	Viscount Cobham.
Archbishop of York.	Lord Carleton.
Lord President.	Lord Torrington.
Lord Privy Seal.	Lord Coningsby.
Lord Steward.	Mr. Comptroller.
Lord Chamberlaine.	Mr. Vice-Chamberlain.
Duke of Bolton.	Mr. Secretary Craggs.
Duke of Montrose.	Mr. Chancellor of y^e^ Dutchy.
Duke of Roxburgh.	Lord Chief Justice Pratt.
Earl of Lincoln.	Master of the Rolls.
Earl of Westmoreland.	Lord Chief Justice King.
Earl of Manchester.	General Erle.
Earl of Holderness.	Mr. Addison.

In obedience to His Majesty's Order in Council of the 6th of November last, referring to their Lordships the complaint of Dr. Bentley, with the answer thereunto of Dr. Gooch, Vice-Chancellor of Cambridge, and directing their Lordships to examine the same, and to consider the properest method of proceeding on the said complaint. Their Lordships have met several times, and perused the Charters and Grants made to the Universities of Oxford and Cambridge by His Majesty's predecessors, and the Acts of Parliament concerning the same, and read over several Commissions of Visitations, and other Acts of the University acknowledging the right of the Crown; and perused several proceedings, as well before the King of this realm, as before delegates appointed to visit the said Universities, upon due consideration of the same, do agree humbly to report it, as their Lordships' opinion, that His Majesty hath an undoubted right to visit the said two Universities of Oxford and Cambridge by His Royal Commission.

The following is copy Order in Council of 9th May, 1719.

At the Court of St. James's, the 9th of May, 1719.

Present:—

The KING'S MOST EXCELLENT MAJESTY.

Lord Chancellor.	Lord Privy Seale.
Lord President.	Lord Steward.
Lord Chamberlain.	Earl of Tankerville.
Duke of Montrose.	Earl of Halifax.
Duke of Roxburgh.	Earl Stanhope.
Duke of Manchester.	Viscount Cobham.
Marquis of Annandale.	Lord Torrington.
Earl of Lincoln.	Mr. Comptroller.
Earl of Westmoreland.	Mr. Vice-Chamberlain.
Earl of Carlisle.	Mr. Secretary Craggs.
Earl of Radnor.	Mr. Chancellor of the Dutchy.
Earl of Berkeley.	Lord Chief Justice King.
Earl of Holderness.	Mr. Hampden.
Earl of Ilay.	General Wills.

Upon reading this day, at the Board, a Report from the Lords of the Committee, dated the 10th of December last, in the words following, viz. :—

Memorandum. Here the said Committee report on the Petition of Dr. Bentley against Dr. Gooch, Vice-Chancellor of Cambridge, to be inserted, His Majesty in Council, taking the same into consideration, is pleased to approve thereof, and to Order that it be referred to His Grace the Archbishop of Canterbury, the Lord Chancellor, Lord President, Lord Privy Seale, Lord Steward, Lord Chamberlaine, Duke of Bolton, Duke of Marlborough, Duke of Roxburgh, Earl of Sunderland, Earl of Berkeley, Earl Stanhope, Mr. Secretary Craggs, Mr. Chancellor of the Dutchy of Lancaster, Lord Chief Justice of the King's Bench, Master of the Rolls, and Lord Chief Justice of the Court of Common Pleas, who are hereby appointed a Committee to consider of a form of a Commission for visiting the University of Cambridge, in order to inquire into and determine the matter of the Petition of Dr. Bentley, and such other things as shall be found proper to be enquired of and determined, and that their Lordships do call to their assistance (if they think fitting) His Majesty's Counsel learned in the law.

The following is copy Order in Council, dated 26th May, 1719.

At the Council Chamber, Whitehall, the 26th May, 1719.

Present:

Their Excellencies the LORDS JUSTICES.

Archbishop of Canterbury.	Duke of Manchester.
Lord Chancellor.	Earl of Berkeley.
Lord President.	Earl of Westmoreland.
Lord Privy Seale.	Earl of Islay.
Lord Steward.	Earl of Halifax.
Lord Chamberlain.	Mr. Secretary Craggs.
Duke of Marlborough.	Bishop of London.
Duke of Roxburgh.	Chancellor of y^e^ Dutchy.
Earl of Sutherland.	General Wills.

Upon reading this day, at the Board, the humble Petition of many of the Fellows of the College of the Holy and Undivided Trinity, in the Town and University of Cambridge, of King Henry VIII.th's foundation, humbly praying, in regard the uncertainty of the extent of the Bishop of Ely's power, as Visitor of that College, hath occasioned many great inconveniences through a long disuse of regular visitations, that His Majesty, as Royal Successor to the founder of the said College, will be graciously pleased to ascertain the visitatorial power, either by a new grant, or confirmation of it to the Bishop of Ely, or else by authorizing such persons to execute the same as to His Royal wisdom shall seem meet; and there being also read at the Board, the humble Petition of Edmund Miller, Serjeant-at-Law, and one of the Fellows of Trinity College, in the said University of Cambridge, on behalf of himself and many other Fellows of the said College, with several articles of complaint against Dr. Bentley, Master of the said College thereunto annexed, it is ordered by their Excellencies the Lords Justices in Council that the said petition and articles (copies whereof are hereunto annexed), be, and they are hereby referred to the Right Honourable the Lords of the Committee of Privy Council (appointed a Committee to consider of a form of Commission for visiting the University of Cambridge), to consider the same, and Report their opinion to this Board what method may be proper to be taken thereupon.

Upon reading this day, at the Board, the Order made by His Majesty in Council, the 9th day of this instant, relating to a Committee appointed to consider the form of a Commission for visiting the University of Cambridge, in order to inquire into and determine the matter of the Petition of Dr. Bentley, and such other things as shall be found proper to be inquired of and determined, it is ordered by their Excellencies the Lords Justices, in Council, that notice of the said Order, together with a copy thereof, be forthwith sent to the several parties concerned.

Other documents relating to this subject will be found in Appendix D. (p. 54), and the Postscript to Mr. Wilkinson's Evidence, (Evidence, Part I., pp. 245–249.)

Appendix D.

1. Case of the Heads of Houses in 1758.

APPENDIX D.

[See Report, pp. 4, 5, 6.]

*Documents relating to the Power of the University to alter the Laudian Statutes.**

1. Case of the Heads of Houses in 1758.

Statutes made and altered by the University before the Laudian Code.

The University of Oxford is a corporation by prescription, and likewise by Act of Parliament, 13 Eliz., which also confirms "the University Charter 1 Apr. 14 Hen. VIII., and all other Charters granted by the Queen's progenitors or predecessors, and all liberties, franchises, immunities, quietances, and privileges, which the University had held, occupied, or enjoyed, or of right ought to have had, used, occupied, and enjoyed, at any time before the making of the said act; any statute, law, usage, custom, construction, or other thing to the contrary notwithstanding."

The University assembled in Convocation, or great Congregation (consisting of the Chancellor, Doctors, Proctors, Regent and Non-Regent Masters), hath used time out of mind to make by-laws or Statutes for its own domestic regimen and government. Of which there are some extant, bearing date so early as A.D. 1252, 36 Hen. III. [Registr. A. 58. B. 76.]

The Convocation hath also from time to time asserted and exercised a power of altering and repealing the former Statutes of the University, in the whole as well as in part, as appears from the following instances :—

On the complaint, and by the advice of the Chancellor, Abp. Warham, 14 Jan. 1513, [Reg. F.F. Bodl. 14] "1 Feb. 1513, Decretum est, ut eligantur vel deputentur quinque vel septem viri secundum discretionem Congregationis majoris ad examinandum, reformandum, et adnichillandum omnia et singula Statuta nostra jam edita, et in unam veram et fidelem copiam reducendum."

Seven Delegates are accordingly named, and large instructions given them; [Registr. G. 208, 209] in the same manner as in the year 1510 a similar power had been delegated to, and in part executed by, one Dr. Younge. [Registr. FF. Bodl. 7.]

In a letter from the University to their Chancellor Abp. Warham, about the beginning of the year 1518, they inform him that Cardinal Wolsey intending to settle some Lectures in the University, therefore "qui ejus dominationi maxime assistunt, nobis et amici et benevoli, suasiones fecerunt ut in omnibus Statutis bonarum literarum usum spectantibus reformandis, revocandis, edendisque, ei omnem nostram auctoritatem delegatam faceremus." [Registr. FF. Bodl. 30.]

To this the Chancellor answers, 22 May, 1518 :—"Si meam in hac re sententiam expectatis, (et Cancellarii Universitatis consensus in tali negotio sane maximo, ut meum est judicium, requirendus est;) non inficias eo, quod si reverendissimus Dominus Cardinalis tales Lecturas destinatas perpetuo duraturas effecerit, pium et egregium magnique meriti opus tanti auctoritate viri dignum et præsentibus et futuris ostendet, per quod et vivus sua gloria perfruetur et nominis æternitatem consequetur; unde, quantum ad Statuta edenda super noviter instituendis suis lecturis, bene erit ut ille reverendissimus Dominus decernat quæ sibi maxime videbuntur necessaria et opportuna quoad conservationem earum lecturarum et ad plenissimum studii scholastici profectum. Verum ut in illum reverendissimum Dominum Cardinalem transferatur omnis auctoritas reformandi, revocandi, delendi, et condendi omnia Statuta concernentia usum bonarum literarum, (sic enim scribitis) non assentior id futurum conducibile aut expediens Universitati, tametsi prædictus reverendissimus Dominus Cardinalis omne suum studium atque conatum ad commodum Universitatis in ea re referre velit. Nam cum fere omnia Statuta Universitatis, aut in seipsis aut respective, concernant usum bonarum literarum studiique scholastici, si omnis auctoritas quoad talia Statuta transferetur in alium ab Universitate, hoc est, a Cancellario, Congregationeque Regentium et Non-Regentium, non video quid auctoritatis restabit apud eosdem, eritque Universitatis auctoritas inane nomen. Si vero reverendissimus Dominus Cardinalis velit animum suum super hujusmodi Statutis reformandis, revocandis, et condendis declarare, postulareque ut secundum animi sui sententiam ab Universitate confirmetur, si tam salutaria Statuta erunt quam futura credibile est, facile omnes in suam sententiam convertet, non dubito." [Ibid. 30.]

Notwithstanding this letter the University made a Decree of Convocation, 1 Jun. 1518, in these terms; "In hujus itaque amplissimi patris virtute, industria, fide, clementia, et benignitate plenissime confisi, meliore modo formaque qua valemus efficaciusque possumus, de communi consilio et consensu omnium Regentium et Non-Regentium, necnon omnium et singularum facultatum, Statuta, ordinationes, et consuetudines ejusdem Universitatis quascunque eidem amplissimo Patri humiliter submittimus, sibique plenam et liberam quantum in nobis est concedimus potestatem eadem Statuta et ordinationes quascunque, etiam sedis Apostolicæ aut cujusvis alterius auctoritate confirmatas, innovandi, instaurandi, non abolitas vero reformandi, interpretandi, mutandi, revocandi, abolendi, extirpandi, novasque sibi prout visum fuerit opportunum condendi, etc." [Ibid. 31.] Which Decree, couched in more and still stronger words than are here recited, the Chancellor afterwards in a letter, 6 May, 1522, thus speaks of to the University: "Cujus reverendissimi Cardinalis auctoritati personas vestras successorumque vestrorum sponte submisistis; singulis Statutis, privilegiis, ac libertatibus ejusdem Universitatis (me tunc Cancellario inconsulto) in vim pacti renunciantes." [Ibid. 51.]

* Copies of these papers, being tracts printed at the time to which they respectively refer, are to be found in Gough's Collection, Oxford, 96.

Statutes made and altered by the University before the Laudian Code.

Very little appears to have been done in consequence of these ample powers. But A.D. 1549, in the minority of Edward VI., Commissioners, being appointed under the Great Seal, visited and new modelled the University and every College therein, and made a new body of Statutes, which are still extant. [Reg. E. Bodl. 78.]

Afterwards, A.D. 1556, Cardinal Pole, then Chancellor, sent down to the University a body of new Statutes to be observed, till a delegacy appointed by Convocation of two or three discreet persons in each faculty, together with the Vice-Chancellor, should determine in what manner to correct and amend the former Statutes, "superflua tollendo, præsentibus temporibus non convenientia immutando, contraria ad concordiam, et inordinata ad ordinem reducendo, diminuta supplendo, aliaque Statuta prout necessitas et utilitas ipsius Universitatis suadebit de novo condendo." [Ib. 83.] And "13 and 14 Nov. 1556. In celebri Convocatione perleguntur Statuta a Domino Cancellario per D. Colum Universitati tradita. Atque pro feliciore regimine istius Academiæ, ex mandato Cardinalicio simul ac suffragio Convocationis, designantur quidam doctissimi viri ex unaquaque facultate, qui una cum D. Colo, D. Raynoldo, dispiciant in unaquaque re quid factu optimum fuerit, atque quod faciendum fuerit, decernant." [Reg. I. 163.]

"11 Maii, 1565. Celebrata est Convocatio Magistrorum Regentium et Non-Regentium, in qua publice lecta sunt decreta quædam edita prius, spectantia ad reformationem et emendationem et Statutorum ipsius Academiæ et aliarum rerum, prout ipsis decretis continetur, auctoritateque ipsius Convocationis confirmata et stabilita sunt." [Registr. KK. 11.]

"25 Oct. 1576. Data est potestas egregiis viris inferius nominatis omnia Statuta antehac edita considerandi, imperfecta corrigendi, inutilia et superstitiosa abrogandi, et male disposita in ordinem redigendi; proviso semper ut omnia ea quæ de novo adjicientur, sive ut Statuta integra sive ut partes Statutorum, nullum robur habeant, nisi a Convocatione postea fuerint approbata." A Delegacy of 21 appointed. [Reg. KK. 222.]

"12 Sept. 1599. Procuratores nominabant quinque Delegatos qui una cum Vice-Cancellario et Procuratoribus in ordinem redigant et exscribi curent libros Statutorum Academicorum." [Reg. M. a. 35.]

"13 Dec. 1606. Cum Statuta et ordinationes ad perpetuum faustumque hujus almæ Academiæ Oxoniensis regimen a prædecessoribus nostris per tot quot præterierunt annorum curricula feliciter excogitatæ, editæ, provisæ, sancitæ, ac stabilitæ, ad tantæ magnitudinis mensuram numerique multitudinem excreverint, ut eas vel recensere, multo magis investigare atque invenire, opus sit plane arduum et permolestum ac pene infinitum, eæque non solum in varios libros sive chartas ab invicem separatas dispergantur, sed etiam sint inter se admodum repugnantes et in multis plane contrariæ, per venerabilem Convocationem decretum est quod omnium et singulorum librorum, chartarum, scriptorum, et munimentorum, in quibus Statuta atque ordinationes hæc prædictæ insinuantur, describuntur, sive registrantur, diligens habeatur scrutinium et examen; quodque ex illis quæ quotidiano et perpetuo usui, atque ex re Universitatis prædictæ publica, maxime conveniant et sint necessariæ retineantur, legumque et Statutorum perpetuis futuris temporibus vim habeant et auctoritatem; eæque ordine et methodo quâ fieri possit optima, et ad inveniendum maxime apta et expedita, digerantur, componantur, atque describantur, arbitrio et judicio venerabilium virorum infra nominatorum, et ad hæc per venerabilem domum prædictam delegatorum; ad uberiorem felicioremque almæ hujus Academiæ gubernationem, et ad vitandum perjurii reatum vel saltem periculum, necnon ad expeditiorem paratioremque uniuscujusque Statuti, sive ordinationis, prout opus fuerit, et res exigerit, inventionem. . . . . Procuratores nominabunt xi delegatos." [Reg. K. 1.]

In King James the First's and the succeeding reign, many ordinances were sent to the University from the Crown, which were either made the ground-work of new Statutes, or else were read and approved in Convocation in the very terms wherein they were sent. As,

"29 Jan. 1616. Directiones quædam in scriptis conceptæ a Regia Majestate et manu sua propria signatæ pro meliori regimine, etc., celebri cœtui Doctorum, etc. manifestatæ sunt." [Reg. N. 32.] Whereupon, "12 Feb. 1616, Delegati nominantur (among whom Dr. Laud was one) ad deliberandum et statuendum de quibusdam ad directiones regias propositas spectantibus, necnon de Statutis hujus Academiæ Oxon. in ordinem redigendis, castigandis, et de reliquis ad eadem Statuta necessariis constituendis." [Reg. N. 36.]

"31 Mar. 1617. Significavit Dominus Procancellarius se edicta regia cum decretis desuper per delegatos sancitis ad Cancellarium nostrum honoratissimum misisse, eumque Regiæ Majestati eadem ostendisse, dictaque decreta Regiæ Majestati perplacuisse: hincque voluisse Cancellarium nostrum ut dicta decreta publicentur et executioni omni cum cura et diligentia demandentur. Quibus decretis publice perlectis, eadem per celebrem cœtum Doctorum, Magistrorum, etc., approbata fuerunt, et pro publicatis cum consensu venerabilis Domus Convocationis habita fuerunt." These consisted of eight Articles [Reg. N. 41], which are now with some little alterations incorporated in the present body of Statutes, Tit. ix. sect. 5, § 3 & 6; Tit. xvi. § 6, 7 & 10; Tit. viii. § 1 & 6; Tit. xv. § 5; Tit. xiv. § 3; Tit. xv. § 1.

Some progress having been made by the Delegates of 1616 in amending the Statutes, "21 Jun. 1617, Placuit ut exemplar illorum Statutorum quæ jam nuper vel a Delegatis confirmata, vel noviter adinventa, vel aliqua ex parte emendata sunt, exscribatur et in Bibliothecam publicam reponatur, ut ea videant Academici omnes et explorent; quæque ratificanda, quæ corrigenda, quæ delenda et abroganda, vel quæ alia illis addenda sint, palam et publice dicant et significent." [Reg. N. 47.]

16 Apr. 1628. Some new Statutes being sent down from the Chancellor, restraining the right of voting in academical elections to Foundationers only, and such Commoner Masters as had resided 100 days in the preceding year, "a majore parte Doctorum, Magistrorum

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Regentium et Non-Regentium admissa, approbata et confirmata sunt. Procuratoribus reclamantibus et negantibus." [Reg. N. 254.]

This occasioned the Crown again to interpose, who sent down a body of Statutes concerning the election of Proctors and Collectors, which was directed to be put to the vote in Convocation, and ever hereafter to be held inviolable; and if any of the younger Masters made any disturbance therein, the King willed that the Vice-Chancellor should presently send up him or them so offending to answer it, who should be sure to find the King's displeasure heavy. [Reg. R. 2.] Accordingly,

"31 Dec. 1628. Has Ordinationes, Statuta et Decreta serenissimæ regiæ Majestatis celebris ille cœtus Doctorum, etc., summa cum acclamatione, omnique animi alacritate, acceptarunt et unanimi omnium consensu confirmarunt et ratificarunt." [Reg. R. 4.] These are now comprised in Tit. vi. sect. 2. § 4; Tit. xvii. sect. 4, § 1. et appendice Statutorum, de Procuratoribus.

17 July, 1629. A new Delegacy of 15 persons was appointed at the instance of the Chancellor (Lord Pembroke) "de redigendis Statutis hujus Universitatis in certum ordinem et certam formam, etc." [Registr. R. 12.]

24 Aug. 1631. On occasion of a dispute relating to a Sermon preached before the University, the King sent down certain Articles concerning Sermons, Appeals, the Meeting of the Heads of Houses, etc. [Reg. R. 38.] which being reduced into Statutes, 15 Dec. 1631, "In Convocatione promulgabantur et unanimi assensu et consensu Doctorum, etc., comprobabantur." [Reg. R. 41.] The substance of them, and for the most part sub iisdem terminis, is now comprised in Tit. xvi. § 9; Tit. xxi. § 11, 16, 17, et Tit. xiii.

The Laudian Code.

The Delegates named in 1629 having finished the work allotted them, in a Convocation held 20 Aug. 1633, "certiorem fecit Vice-Cancellarius venerabilem cœtum Doctorum, etc., Statuta Academiæ longo et fido examine in conventu Præfectorum ventilata, suppletis jam tandem quæ defuerunt, conciliatis antinomiis, obsoletis sepositis, ultimam Cancellarii manum expectare. Roganti igitur an placeret ut Cancellarius Academiæ nomine rogaretur hanc inter curas suas numerare provinciam; ut legibus illius etiam judicio limatis et firmatis auctoritas et fides major adesset, et reverentia: proponenti ista Vice-Cancellario assensu unanimi annuit Convocatio." [Reg. R. 69.]

In a letter sent by the University to Archbishop Laud, their Chancellor, upon this occasion, and sealed in Congregation 1 Sept. 1633, they express themselves in the following manner: "Ultro compegimus jugum quod pronis cervicibus annectas, vestrisque manibus recepta jura obsequendi præstituent affectum, et libertatem ex onere ferent. Vestrum igitur patrocinium implorant una nobiscum Statuta, quæ Præsulatum vestrum præstolari sunt visa, ut gratiam et pondus authenticum a te accipiant, et vestrum annexum Diploma Statutis ipsis valentius nos componat."

This Act seems to have been considered by the Chancellor as vesting him with as full legislative powers as Wolsey had before him. He accordingly corrected the draught, and having caused a number of copies to be printed upon vellum in folio, he sent them down to the University 18 July, 1634, to be deposited in each College or Hall for a year's probation, that any amendments which might appear necessary might be made in the margin, and then one authentic copy might be written fair to be a rule to posterity of greater credit. He then proceeds, in his letter directed to Convocation, in these words: "These are therefore (according to the power given unto me by an Act with full consent in Convocation, bearing date in August, 1633) to declare and publish to the University and every member thereof, that the Statutes now printed are and shall be the Statutes by which the University shall be governed for this year ensuing, that is, until the Feast of St. Michael the Archangel, which shall be in the year of our Lord God 1635; reserving to myself power, according to the Decree before mentioned, to add that which shall be fit, and alter or take away from these Statutes, or any of them, that which shall be found by this intervening practice to be either unnecessary or incommodious for that government. And then, God willing, at or before that time, I will discharge that trust which the University hath commended to me, and absolutely make a settlement of the Statutes for future times, even so long as it shall please God to bless them with use and continuance."

"22 Jul. 1634. His literis perlectis V. Cancellarius Librum Statutorum publice exhibuit in Domo Convocationis. Rogavit insuper an Literæ ad honoratissimum Cancellarium mitterentur ab Academia quibus gratitudinem nostram intelligeret. Perplacuit." [Registr. R. 91.]

In these letters the University thus expresses it's sense of this proceeding:—"Singularis quidem clementia et adhuc inaudita! Leges et præscripta ad tempus posuisti, ut nostra demum suffragio et arbitrio confirmentur; et siqua occurrerint errata, non statuentis auctoritate sed patientis experientia corrigantur." [Registr. R. 92.]

N.B. Among these Statutes there is one (Tit. x., sect. 2. § 2. De Statutis et Decretis in Domo Convocationis condendis et interpretandis) in the following terms: "Si quando ex usu Academiæ futurum videbitur, aliquid de novo statuere vel decernere; vel si quando circa Statuta et Decreta jam condita vel in posterum condenda dubitatio aliqua emergat, unde ulterior eorundem explanatio requiratur (modo ne, sub explanandi obtentu, sensus Statuto cuivis affingatur omnem ipsius vim eludens aut enervans; neve hæc explanandi potestas ad Statuta regia auctoritate sancita vel confirmata extendatur, sine speciali ipsius Regis licentia) Statutum est quod, etc." Then follows the form and order to be observed in making new Statutes or explaining old ones. And in § 3 (De Statutis Universitatis transcribendis et custodiendis) directions are given in what manner the Registrar of the University "omnia et singula Statuta Universitatis in posterum condenda in Registro suo fideliter describet."

27 Sept. 1634. "In Convocatione significavit Vice-Cancellarius corpus Statutorum Universitatis in ordinem digestum, serenissimam Regis Majestatem tanquam Deum tutelarem officiose petere patronum ; cujus hortatu et cura sæpius instigante, opus toties infeliciter tentatum ultimam manum fere assecutum sit. Eoque nomine ad serenissimum Regem nostrum Carolum literæ missæ fuerunt."

In this epistle dedicatory this passage in particular occurs: "Hujus operæ, non huic tantum sed et futuris sæculis impensæ, non aliud apud posteros expectandum est præmium quam ut ipsi nobis vicem rependant, et corpus hoc Statutorum assidue interpolando tandem in novum plane corpus transforment. Has siquidem leges haud aliud manet fatum quam quo olim usas novimus Lycurgi Rhetras, Axonasque Solonis, quas, nisi nomina ipsarum adhuc superessent, fuisse aliquando quis sciret? Ergo ut major hisce legibus apud posteros constet reverentia, utque clementius seu scalpro seu spongia deletili in posterum petantur, in sinum sacratissimæ Majestatis tuæ confugiunt, atque intra augustale tuum recipi, id est, sacrari, gestiunt. Pudebit scilicet posteros ab Archetypo morum et disciplinæ suæ penes te deposito longe desciscere." [Registr. R. 96.]

At Michaelmas 1635 nothing appears to have been done. But,

2 June 1636, the Chancellor, Archbishop Laud, by letters of that date, sealed with both his Archiepiscopal and Chancellor's seal, and reciting the process of the whole affair (and amongst the rest the powers given him by Act of Convocation 20 Aug. 1633, in these words: "Dictæ convocationi tunc placuit me dictæ Universitatis nomine rogandum esse ut dictum Statutorum corpus recenserem atque sigillo confirmarem"); he therefore ratifies, approves, and confirms them for ever.

N.B. 3 June 1636. The King, by Letters Patent of that date, recites the said letters of confirmation by the Chancellor, and that he "humillime nobis supplicaverit, ut omnia et singula, ut præfertur, circa dictorum Statutorum compilationem ac reformationem acta, grata et rata haberemus ipsi, et regiam eis adjiceremus confirmationem." Wherefore by very general and comprehensive words he accepts, approves, ratifies, and confirms the said code or body of Statutes and all and singular the Statutes therein contained, "ut secundum intentionem in dicto codice expressam seu habitam vim omnimodam et effectum in dicta Universitate perpetuo in posterum sortiantur et obtineant:" and directs that all the Heads of Houses at the publication of these Letters Patent, shall subscribe their names to the said code in token of their assent to all and singular the Statutes therein contained, and that all the Members of the University should within six months after the said publication be sworn to the observance of the said Statutes.

22 June, 1636. The King's Commissioners brought the said Letters Patent and Statutes to the University, with a letter under the King's signet to the Convocation, dated 12 June, 1636, directing the Heads of Houses to make the acknowledgment before mentioned, "that they all accept these Statutes as the rule by which you shall be governed and govern." Another letter was also sent by the Chancellor, dated 15 June, 1636, wherein he mentions "quod placuit Academiæ in frequenti Convocatione (ne uno refragante) rem totam ad me curamque meam referre, ut sub incude mea Statuta hæc limarentur, et a me confirmationem acciperent." And afterwards proceeds; "Transmisi vobis Statuta quæ annum probationis suæ apud vos complevere, jam ex usu illo in nonnullis emendata, et, pro potestate a vobis concessa mihi, sub sigillis meo vestroque in debita juris forma confirmata. Quum ecce placuit Regi serenissimo musisque vestris addictissimo suam etiam superadjicere confirmationem manu propria et sigillo magno munitam. Quod Academiæ honorem, moribus disciplinam, Statutis reverentiam et firmitatem nequit non conferre."

Then, in the same Convocation, Mr. Secretary Coke made a speech (see Laud's Chanc. 88), after which "Vice-Cancellarius Statutorum Codicem sive Pandecten excepit et amplexus est nomine Universitatis, et Latine accurata oratione laudabat fortunas nostras qui tanta Principis munificentia et Cancellarii opera frueremur. Illa finita, juxta Statutorum exigentiam juramento prius præstito, Vice-Cancellarius, Procuratores, singuli Collegiorum et Aularum Præfecti, qui tum aderant, nomina et cognomina sua subscripserunt in fine Statutorum." [Registr. R. 125, &c.]

23 June, 1636. The University returned thanks to the King and their Chancellor by letters to each; in the former of which they declare, that "accessit calamo nostro vis gladii; accessit inermi et philosophicæ prorsus justitiæ potestas, potestati pompa et splendor. Evexit serenitatis vestræ magnificentia collectiones nostras in codicem imperatoriam, plebiscita in mandata; eaque stabiliendi causa diplomatis vestri amplitudinem, sigilli pondus, vim manus dedisti." They call them in another part "Leges æternæ;" and they conclude thus, "Si leges nondum sancitas sed invalidas, et obsequii præludio tentaminique expositas serio venerati sumus, annon colemus ratas et imperatrices? Si tanta fuerit nuda ipsarum bonitas, quantum urgebit auctoritatis vestræ conscientia et nostri juramenti religio?" In their letter to the Chancellor they express themselves in the following manner:—"Quibus itaque gratiarum cumulis compensabimus indefessam vestræ bonitatis pertinaciam, quæ nec tuo nec alieno pepercit sudori, quæ nec pacem regiis auribus manibusque permisit, donec desperatum hoc opus ultimo examine, supremo sigillo, et imperiali auctoritate perfectum exiret. Tacere non possumus incredibilem vestram in tanta sedulitate prudentiam, quæ experiendo aptavit jugum prius quam affixit, et, accuratissime recognitionis ergo, annum integrum operi consummato indulsit, quoniam in annum platonicum duraturo. Implicuisti nunc demum nexu indissolubili Regem et ipsius alumnos: illum, ut propugnet quæ nos condidimus Statuta, quia sua; nos vero, ut iis libentissime obsequamur quæ manus regia obsignavit, quia nostris." [Registr. R. 127.]

'Statutes made by the University since the Laudian Code.

Since the making of this body of Statutes, and their receiving their Royal confirmation, several new Statutes have been made by the University in Convocation. As, in the first place, the Statutes of the Arabic lecture founded by Archbishop Laud himself, and

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Statutes made by the University since the Laudian Code.

published in Convocation 2nd July, 1640; whereby a fresh attendance, enforced by a pecuniary mulct, is laid upon all Bachelors of Arts and Students in Medicine..... The Statute of Declamations, which alters the conditions upon which a Master's Degree was then attainable, and which passed the Heads of Houses, 21 Jun. 1662, when Dr. Baylie was again Vice-Chancellor; who had been President of St. John's some years before the Statutes were compiled, and was made Vice-Chancellor the first time 22 July, 1636, within a month after the King's confirmation. And the Statute for transferring the Act Exercises and other solemnities from St. Mary's to the Theatre, which passed 27 May, 1669, under the auspices of Archbishop Sheldon, who himself had been Warden of All Souls at the time of the King's confirmation.

All these, and many others of a later date, were (pro tanto) alterations of the former Statutes. But there has been no instance of any licence either given by the Crown, or requested by the University, to enable them to make such alterations. It must however be observed, that no alteration has been attempted in any of those particular Statutes before mentioned, which had received a special sanction or confirmation from the Crown, before the present body of Statutes was compiled and published.

Upon a proposal lately made to compile a new explanatory Statute, concerning a matter not affected by any of the said Royal Statutes, a difficulty has arisen with regard to the power of the University to make Statutes or explanations of Statutes, without a Royal licence; it being conceived by the objectors, that the general confirmation superadded to the Corpus Statutorum by King Charles the First, 3 June, 1636, has brought the whole body within the exception or parenthesis of Tit. x. sect. 2. § 2, above stated, and made every Statute in the book unalterable and unexplicable, unless by the King's authority. Therefore—

Question 1. Has the University power of making Statutes, or By-Laws, (not contrary to the law of the land or it's own particular Charters confirmed by Act of Parliament), without obtaining a Royal licence, where the subject matter of such Statutes is entirely new, and imports no infringement on former Statutes?

Question 2. Has the University power of making such Statutes, without obtaining such licence, where the subject matter of them imports an alteration or explanation of any former Statutes, which were not specially confirmed by Royal authority before the compilation of the present body, but which are now included in the subsequent general confirmation of 3 June, 1636?

Question 3. Has the University power of making such Statutes without obtaining such licence, where the subject matter of them imports an alteration or explanation of such former Statutes as were specially confirmed by Royal authority before the compilation of the present body of Statutes? Or has the Act of the Predecessors (confirmed by the King's Charter) abridged in these points, or in any of them, the legislative power of the successors?

What the compilers of our Statutes intended by *Statuta Regia auctoritate sancita vel confirmata*, in Tit. x. sect. 2. § 2. above cited, may perhaps be still farther explained by comparing that clause with the following, in Tit. x. sect. 2. § 5.

De materia indispensabili, in qua Convocationi dispensare non permittitur.

Quia ex nimia dispensandi licentia grave incommodum Universitati antehac obortum est (nec aliter fieri potuit;) statuit et decrevit Universitas, ne in posterum dispensationes ullatenus proponantur in casibus sequentibus. Et primo statuit et declarat, ne super aliquo Statuto vel Decreto (auctoritate Regia jubente vel monente) condito vel condendo, in toto vel in parte dispensatio proponatur, nisi pari auctoritate Regia, ejusdem mutatio, vel aliqualis relaxatio, expresse mandata vel permissa fuerit.* * * *

[This clause was omitted to be stated in the above case for the opinion of Counsel.]

2. Legal Opinion of Messrs. Morton and Wilbraham.

2. Legal opinion of Messrs. Morton and Wilbraham.

1*st. Question.* We are of opinion that the University as a body corporate by prescription, and confirmed by charter, has a power of making By-Laws or Statutes for their good government; such power being inherent in their constitution, and included in the original Act of Incorporation. And in this case we think such power may be exercised, without obtaining a Royal licence, where the subject matter doth not infringe upon or any way affect any former Statute.

2*nd. Question.* We likewise are of opinion that the University has, by the same inherent power as a body corporate, a power of making Statutes where the subject matter of them imports an explanation or alteration of former Statutes, which were not specially confirmed by Royal authority, before the compilation of the present body of Statutes; but which are now included in the subsequent general confirmation of the 3rd June, 1636; for the reasons offered in our answer to the next question.

3*rd. Question.* We are also of opinion, that the University has the power of making such Statutes, without obtaining a Royal licence, where the subject matter of them imports an explanation or alteration of such former Statutes as were specially confirmed by Royal authority, before the compilation of the present body of Statutes. For, first, we think that the King has no power vested in him by his prerogative, or otherwise, to give laws or Statutes to the University after its original Act of Incorporation, without their acceptance, assent, or confirmation. And we also think, that it was not in the power of the University to delegate their right of making perfect By-Laws or Statutes to any subject, or even to the King: and that no Statutes, made by such delegation, would be valid without the assent or confirmation of the Convocation. It is that which we think gives *vitam et modum* to every Statute. And as it was not in the power of the University itself to enact any Statutes which should remain unalterable or unrepealable, so we think it could not delegate a power to any subject or to the Crown, to enact or make any laws that should not be repealable without the consent of such subject or his heirs, or such King or his successors. And though powers have in some instances been actually delegated by the University to the Crown, to

give them Statutes for their government, and the Crown has accordingly so done, and such Statutes have been confirmed by Royal authority, yet even such Statutes so made and so confirmed cannot (we think) abrogate the legislative power necessarily inherent in, and incident to the University. And we observe, that in all the instances laid before us of Statutes recommended or given by the Crown, or the Chancellors of the University, to that body, the assent and confirmation of Convocation (which we take to be the legislative power of the University) has been uniformly required and obtained, before any such Statutes have been received as complete, effective, and perfect laws.

JOHN MORTON.
Ju. 2, 1759. R. WILBRAHAM.

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3. A representation of the conduct of the Proctors with respect to the two explanatory Statutes proposed by the Vice-Chancellor to them and the Heads of Houses.

On Friday the 15th of June there was a meeting of the Heads of Colleges and Proctors for explaining two of the Statutes confirmed by King Charles the First: the Statute which authorises the meeting of these gentlemen supposes, that they are seriously to deliberate and debate upon all matters which shall be proposed, before they come to any resolution; and therefore the Proctors, having previously considered of the matters which were to be the subject of their debate, reduced into writing the several reasons which, they conceived, would clearly prove that the University had no power to make an explanatory Statute; and they expected, that every gentleman who thought otherwise, would at least have endeavoured to have shewn, that they were not restrained by their oaths, or by the law, from making such Statutes. It was well known that several gentlemen had considerable difficulties on both these heads; but the question was put, and opinions delivered, the majority of which was, that the University had this power, without offering any other reason than the opinions of Counsel taken on their own state of the case, which was thought by several present to be a very defective state of it: however, the Proctors could not satisfy themselves with declaring, that they had very different sentiments of this matter, without mentioning the reasons which induced them to be of a contrary opinion from the majority; and accordingly they gave many reasons why they could not concur in that vote. One gentleman would have prevented the Proctors from entering into any discussion of the matter, saying, "We do not want your reasons, but your votes:" perhaps this hath been the usual way of proceeding at this meeting; but the Proctors being strangers to such a sort of practice, and apprehending, that in matters of trust and importance, every man should be ready to give a reason for his opinion, ventured to offer their reasons openly, (notwithstanding the dislike that was expressed of it,) in the following words:—

Question at issue.

The difficulties which we made, touching the power of altering any of the Statutes established by King Charles the First, were founded upon the oath which every member of the University had taken to observe them, and upon the Charter which granted these Statutes to the University. We never conceived the least doubt, whether Statutes which had no other sanction than the ancient Statutes of the University had, or By-Laws made by other corporations, could be altered or explained; we knew they might, and did not want the opinion of Counsel to convince us of it: but whether the King's charter, reciting the several titles of these Statutes, and not only solemnly confirming them, but also granting to the Chancellor, Masters, and Scholars, and their successors, that they shall for ever be in force in the University can be disobeyed, after it hath been accepted, and acted under for so many years, still remains a difficulty, and is not stated in the Case, nor answered by the Counsel.

The Laudian Code not "confirmed" by the University.

It seems to be admitted by the Answer to the Case, that the King may, by the same charter which creates a corporation, give By-Laws, which shall be always binding to it; and if he may do this by the original charter, what reason can be assigned why he may not also, by a subsequent charter, give laws or Statutes to a corporation, if such corporation shall think fit to accept it? This was not doubted by our predecessors; for it is very remarkable, that the present Statutes, so far as they vary from the ancient ones, do not appear to have been enacted by Convocation, or to have had any other authority than the King's charter. The University indeed received the charter, and the Vice-Chancellor *nomine Universitatis amplexus est,* the book of Statutes; but the Convocation doth not seem to have passed any vote for the enacting or the reception of them.

All members of the University sworn to observe the Statutes.

It is well known in this place, that every member of the University upon his admission takes a solemn oath, that he will observe all the Statutes of the University; but the Case industriously avoids to state that fact, and only takes notice, that the Heads of Colleges and Halls, and Proctors, upon receiving the book of Statutes from the King, took the oath. It is hoped that this was not done to induce a belief, that none of the present members have taken it. If this oath had been made part of the Case, it is possible it might have varied the Opinion; but whatever weight it would have had with the Counsel, it is certain it will have its proper weight in the University, and gentlemen will consider, whether they are at liberty to unmake a Statute which they have sworn to observe. It will be no answer to say, that when it is repealed it will be no longer a Statute, and that the observance of it cannot afterwards be exacted; for supposing that to be true, the persons who have sworn to observe it, and concur to repeal or alter it, on purpose that it may not be observed, seem to violate the oath, inasmuch as they, by their own act, make it impossible to observe it. If any one shall not think this reasoning conclusive, he is desired to read the Statute, Tit. x. sect. 11. § 2. which expressly forbids the explaining any of the Statutes confirmed

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by Royal authority, without the special licence of the King. A man must have uncommon talents that can make his oath to observe this Statute, consistent with the new Statute proposed to be made for no other purpose but to explain Royal Statutes.

Statutes before the Laudian Code not "confirmed" by Royal authority.

The Case laid before Counsel states, that several alterations were, from time to time, made by the University in their ancient Statutes before the present body of Statutes was received; and likewise states, that in some instances, rules and orders had been sent by the Crown, with a recommendation to the University, to make them into Statutes. It is difficult to understand why these things were made part of the Case, unless the framers of it thought that these instances were so many proofs that the former Statutes had received the Royal confirmation; but if they will be pleased to reflect, that all these Statutes were enacted by the Convocation, and were never afterwards confirmed by the Crown, they will find reason to alter their opinion in that particular.

Some gentlemen to avoid the force of this Statute, have supposed the words *Statuta confirmata* mentioned in it, do no way influence the present question, and that they refer only to Statutes which had the Royal sanction, before the Statutes under which the University now acts, were given. But it is very unfortunate for these gentlemen, that they have not in their Case pointed out one single Statute which had been so confirmed, and we think they never will be able to do it. We do not charge these gentlemen with an intention to reproach the King who granted the present Statutes to the University, or the great man who procured them; we know they have great respect for the memories of both: but if this be the true sense of the Statute, and it only restrains the explaining or altering Statutes which never had any existence, it must be allowed to be an absurd and ridiculous Statute. If these gentlemen would consider, what care the King took in his charter, that our present Statutes should always be in force, and that every member of the University is thereby enjoined to take a solemn oath that he will observe them, they could not but be convinced of the great absurdity of this interpretation. For it is incredible, that the King, intending that his own Statutes should be for ever observed, and making a Statute on purpose to prevent alterations, should be only solicitous to secure the observance of ancient Statutes, and leave all his own to be repealed or altered at the pleasure of the University: such a construction sufficiently exposes itself. If these gentlemen had attended to the words of the Statute, they would not have proposed such an interpretation. The Statute supposes it might at some future time be useful to the University to make new Statutes or to explain doubts *in Statutis jam conditis vel condendis*, and gives them power to do it in either of those cases; so that under the pretence of explaining they do not elude the force of any Statute, and so as this power of explaining be not extended to Statutes *Regia auctoritate sancita vel confirmata*. Can anything be plainer than that the Statute forbids the explaining any Statutes *condita vel condenda*, which should have had the Royal sanction at the time such explication is proposed to be made?

As soon as the Proctors had read their opinion, two gentlemen being dissatisfied with the supposition that the King had never given his Royal confirmation to any Statutes before the present body was granted and confirmed, and conceiving that such a supposition would make their construction of the Statute Tit. x. sect. 11. § 2. absurd, insisted, that the Procuratorial Statutes had been made, and confirmed by the King, some years before; and for proof of it, mentioned the title prefixed to them, viz., Statuta de cyclo Procuratorio edita auctoritate serenissimi Regis Caroli Primi, confirmata in Domo Convocationis, A. D. 1628. The Proctors answered, that this title was no proof of a Royal confirmation, for it appeared by the Register of that time, that the King only commanded the University to make these Statutes, but that they were passed by the University, and never had any confirmation from the King, till they were made part of the present Statutes and confirmed with them. If these gentlemen had considered the plain meaning of the title, they would not have mentioned it; for it is so far from contradicting the Register, or proving that the King confirmed these Statutes, that it expressly declares, that they were published (edita) by the King's command, or authority, and confirmed in Convocation, which exactly agrees with the account the Register gives of this matter, and proves that the Proctors were not mistaken in their opinion that they were *not* confirmed by the Crown.

It plainly appears then, that these Procuratorial Statutes (as they are called) stand exactly upon the same footing, as to their confirmation by Royal authority, as the others, having been confirmed *not before*, but at the same time, and in the same manner with the others.

Special ground of complaint.

The Proctors being convinced that the University is restrained from explaining any of the Statutes confirmed by the Charter of King Charles the First, did not think it worth while to make any observations upon the Statutes proposed at the meeting; but as they are now printed, it will not be improper to take notice, that a complaint hath for some years been made against keeping names upon College books, to give a colour of voting to gentlemen who have left the University, and are wholly unconcerned in the real interest of it, and that this complaint is pretended to have given occasion for one of these Statutes: but doth this Statute cure the mischief? If the complaint be just, it affects those who had names in College books before last Easter, as much as those whose names shall at any time hereafter be found in College books; and therefore the Statute, if it was designed to remove the evil complained of, ought to have excluded every foreign voter, how long soever he may have kept his name in a book for the purpose of voting only. Will not the world suspect that the distinction was made to answer private schemes, and that the good of the University was entirely disregarded?

There is no occasion to mention that this Statute takes no care to preserve the negatives of the Vice-Chancellor and Proctors; it will occur to every person who shall read it: perhaps

it will be said, that the negatives are not directly taken away: it is true; but is it not declared that the votes of the Vice-Chancellor and Proctors in Convocation shall be numbered with the other suffrages; and if they are to be taken into the number of votes, must not the majority determine every question? In a matter of this nature some disguise is necessary to be put on; they who design so important an alteration must not speak their meaning too plainly, lest they should destroy their own schemes: but in this, they have discovered enough to raise a jealousy; for the Statute, as it was first penned, had a particular saving of the negatives, which is omitted in the Statute as it is now settled. With what view could this be done? Doth it not afford too much reason to believe, that at some future time this point is intended to be disputed, and that this very Statute is to be used as an argument against the negative?

Special ground of complaint.

As to the other Statute, if it was in the power of the University to give it their sanction, it might pass very innocently, for it makes no alteration of the former Statute. Matriculation was never understood to give any person a title to the privileges of the University, unless he was admitted of some College or Hall, and had victum et cubile, in it. The contrary opinion, which was lately advanced by some gentlemen, hath had its effect, and these gentlemen are now willing to return to the true meaning of the Statute; but, to avoid an apparent inconsistency in their conduct, desire that a new Statute may be enacted. We should have no objection, if we were at liberty to consent to it; but as we are under the highest obligation to oppose it, we can only recommend the reading of the Statute Tit. iii. sect. 1. which seems clearly to prove, that Matriculation alone doth not give a right to the privileges of the University.

It may be thought impertinent to produce arguments in so plain a case, and therefore we shall only add, that if Matriculation alone doth subject a person to the laws of the University, then every gentleman in England, who hath been Matriculated, continues a member of the University, and subject to the laws of it, and consequently can neither sue nor be sued in any other court than the Vice-Chancellor's. This is an opinion too wild to be avowed by any one, and yet it is the direct consequence of what some gentlemen have advanced.

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3. ANSWER OF THE PROCTORS TO THE CASE OF THE HEADS OF HOUSES.

3. The two explanatory Statutes, upon which the late Proctors were indeed pleased to put their negative, not wantonly, but because it was their duty, being now to be reconsidered; the publisher of the following papers cannot forbear offering to the members of Convocation what in his opinion throws considerable light upon that subject, by showing that the prevailing opinion of all times has been against the power of altering or explaining the present Statutes: and with the single view of doing public service, he has given himself the trouble of collecting what follows; which, without further preface, shall now be laid before the reader.

Letter of Convocation to Archbishop Laud, 1636.

The first thing that occurs, is a letter of Convocation addressed to Archbishop Laud; returning him the thanks of the University for the great care and concern he had had in perfecting the Statutes: Tacere non possumus (says the Convocation) incredibilem vestram in tanta sedulitate prudentiam, quæ experiendo aptavit jugum, priusquam affixit, et accuratissime recognitionis ergo annum integrum operi consummato indulsit quoniam in annum Platonicum duraturo. This letter is dated the day after the solemn delivery of the Statutes by the King's Commissioners; and it is probable, that some of the persons deputed to assist in compiling the Statutes were present at this Convocation, and concurred in returning the public thanks. From this letter then it appears that the compilers of our laws supposed that they were to remain for ever unalterable; and, that the University at that time understood it thus.

Letter of Lord Clarendon to the University, 1662.

The copy of Lord Clarendon's letter, which comes next, may be depended upon as authentic; having been carefully transcribed by one who has had the inspection of the University Records. This liberty, though every member has an equitable right to it, few are permitted to enjoy; at least not without so much trouble as discourages most persons from applying for it. But to quit this digression, the reader is now referred to the letter itself.

MR. VICE-CHANCELLOR AND GENTLEMEN,

I HAVE received a letter from Mr. Vice-Chancellor, of March 26th, 1662, upon occasion of one I had wrote to him March 23d. 1661, concerning the difference that is now between four of your Colleges about the Proctorship this year. I have reviewed what I formerly wrote, the state of the case in question being the same in his last that it was in his former; and you will find by what I then wrote to him, that I did deliberate very well upon it, and desired the assistance of my Lord Bishop of London in the determination, after we had heard all that was alleged by the Dean of Christchurch and Mr. President of Magdalen; nor do I see any cause to change the opinion I was then of. I do not dissemble to have so much esteem and kindness for Magdalen College (which they shall never have cause to suspect) that, if I could with justice have determined it for them, I would never have made scruple of owning that my inclinations had likewise led me to it; and I should the rather have been induced to it out of the reverence I have to the memory of my poor tutor, and have expiated his fault to the College by his inadvertency last year that the office belonged to them. But 'tis as clear that it doth now belong to Christchurch and Brasenose College; and though the intention and equity of the Statute might be preserved by the expedient mentioned by Mr. Vice-Chancellor, yet since that cannot be made use of without a particular dispensation from the King, I am more afraid of introducing those dispensations, and of the evil consequences which may in future times succeed that

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precedent, than of any inconveniences from the strict observing the rule of the Cycle at this time. And upon my conscience, it was the intention of those who made the Statutes, in that mannerly reservation of the King's power to dispense, that he never should be moved to dispense but in a case of extraordinary public consequence for the visible and substantial benefit of the University; and this is the principal reason that guides my judgment against my affection; and the logic of the late ill times, having introduced so many inconveniencies and mischiefs, by distinguishing between the equity or intention and the letter of the law, I am not willing to open that door to any decisions in the University, which may possibly hereafter produce dispensations very unagreeable. Upon the whole matter I cannot change my opinion, but do still believe that of right Christchurch and Brasenose ought to have the Proctors this year.

Clarendon, C.

Worcester House, March 29, 1662.

Petition of the University, 1675.

The opinion, that the University had not of itself power to alter the Statutes, was uniformly preserved down to the year 1675, when the following petition, which is very clear and express on this point, was drawn. Neither does there from that time appear any one instance even of an attempt to exercise the authority now claimed, till within a very few years past. So that the argument drawn from precedents makes wholly against any such power.

The Petition of the Principals and Masters of Arts of the several Halls in the University of Oxford.

Humbly Showeth,

That your Majesty's royal father of blessed memory, to avoid some inconveniencies and disturbances in the election of Proctors for the University of Oxford, which frequently happened when they were chosen by Convocation, caused a cycle to be made, that the several Colleges in their respective turns should choose a Proctor amongst themselves; and at the same time for the regulating such elections provided Statutes, (which cannot be altered nor interpreted by any power whatsoever but by the same Royal power that made them) among which Statutes one was, that no person shall be admitted to the office of Proctor, who had not completed four years after his standing in the Act, or should exceed ten to be accounted after the same manner.

That there never was any person chosen and admitted Proctor in this University (till after the late Rebellion) which was not so qualified, and the admission of those few that have been since elected under four years standing hath been always protested against by the Principals of Halls and Masters in Arts in those societies as unstatutable, that they might preserve their right for the future.

May it therefore please your Sacred Majesty (for the prevention of differences and animosities in your Majesty's said University for the time to come) to make such decision herein, as shall seem in your Majesty's princely wisdom to be most agreeable to right, and the true meaning of your Majesty's royal father, and of our Statutes confirmed by his Majesty. And your petitioners, as in duty bound, shall ever pray.

The favourers of the new Statutes still urging their old distinction of a special confirmation of some Statutes previous to the general confirmation, and citing the Procuratorial Statutes as an instance of such special confirmation, it will be proper to show by extracts from the University register that the King did not then do more than direct the publication of them; but that their whole force and authority were derived from the Act of Convocation. The King's letter to Lord Pembroke, the then Chancellor of the University, and by him transmitted to the University, fully proves this; from which letter the following clauses are extracted.

"Your Lordship knows that upon our letters sent down with the Statutes which we had "prepared for the choice of Proctors, the Governors of Colleges and Halls have with joint "consent allowed of those Statutes as fit, and have returned to us by your Lordship a dis- "creet and prudent answer, which we take well from them. In this answer they have (as we "directed) considered of the Statutes, and presented to us some additions to them, or rather, "explanations of them; with some moderate desires of their own. These we have taken into "our princely care likewise; and that the University may see how much we value their temper "in this business, we have provided that almost all which they have offered to us are granted "by us, as they may see by this copy of Statutes altered accordingly, and which we have "recommended to your Lordship to be sent down again to them to be passed in Convoca- "tion."

"These are therefore to will and require . . . . .

. . . . . .

"That your Lordship signify to your Vice-Chancellor that he presently call a Convocation, "and in that deliver our royal pleasure and command, that now this whole frame both of "the circle for the turns and the Statutes belonging to it be published there, and the votes "and suffrages taken privately or otherwise as he shall find fittest for the present business. "And though we doubt not but the younger Masters, and others, will be as conform- "able to their own good, and as uniform in their consent to our commands in this kind as "their governors have to our great contentment shewed themselves; yet if any one or "more shall make any disturbance in this . . . . . we will that your Vice- "Chancellor do presently send us him or them so offending to answer it, and they shall "be sure to find our displeasure heavy."

This letter being read in Convocation, Celebris ille cœtus Doctorum, Magistrorum Regentium et Non-Regentium summa cum acclamatione omnique animi alacritate acceptarunt et unanimi omnium consensu confirmarunt et ratificarunt ordinationes has, Statuta et Decreta serenissimæ Regiæ Majestatis.

It appears then by these extracts that the King did neither make the Procuratorial Statutes into laws, nor confirm them before the general confirmation, but that they were (sancita) enacted and made into laws, merely by the authority of the University.

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4. An answer to the objections made in Convocation to the representation of the conduct of the Proctors.

4. ANSWER OF THE PROCTORS TO OBJECTIONS.

The business of the Convocation being opened by the Vice-Chancellor, the Statutes were read; and a proposal being made to give them a second reading, it was rejected by the Proctors; who in delivering their negative used the following words. "Quibus de causis vetamus, id palam fecimus, &c." Upon which the Vice-Chancellor rose up and spoke to this effect:—"Your reasons are said to have been made public: I have received a printed paper, and would know, whether this paper contains your reasons;" addressing himself to each Proctor separately. To this question the Proctors having replied in the affirmative, the Vice-Chancellor said,—In hac chartula omnia sunt falsa et futilia et prave detorta: hæc chartula continet libellum. When he was called upon by the Proctors to make good his accusation, two instances of unfairness were alleged by him. First, that notwithstanding the Statutes had been many months under consideration, yet the Proctors commence their account from the fifteenth day of June only. This was true, but nothing to his purpose; and it was answered, that what had passed before this time, was transacted under the administration of the preceding Proctors; to which the Proctors now in office being utter strangers, were under a necessity of beginning their representation from the time the Statutes were laid before them.

Conduct of the Vice-Chancellor.

The Vice-Chancellor went on to give a long detail of the proceedings with respect to the new Statutes in the Conventus Præfectorum; and took occasion to mention, that it had been objected, that the University had no power to alter or explain a Royal Statute; and that to obviate this difficulty, a Case had been drawn by a very skilful person, and laid before two eminent Council; who had given their Opinions in favour of the power claimed by the University. This gave him an opportunity of introducing his second instance of unfairness charged upon the Proctors; and of calling upon them to declare, what they meant by the words, "their own state of the case." These words were repeated with much earnestness and warmth. But yet he did not, nor can he assert, that the gentlemen of opposite sentiments were at all consulted with, or had any hand in drawing up the Case; or that they ever saw it, till it was produced by the Vice-Chancellor at one of their meetings. It is true they heard it read over; but considering the length of the Case, and that several matters mentioned in it were quite new to them; it could not be imagined that they on one cursory reading only could form any judgment of it: and yet, it is said, the question was put whether it should not be immediately laid before Council. So that the Vice-Chancellor is no more happy in this instance of unfairness than he was in the other. For if the gentlemen of opposite sentiments were not consulted with in stating the Case, nor do to this day know who drew it up, and only heard it once read: it remains undeniable that these Opinions were taken on their own state of the Case.

The Vice-Chancellor probably did not intend a compliment; but the gentlemen, who are of opinion that explanatory Statutes could not be made in the manner proposed, are obliged to him for his acknowledgment, that they had suggested a method by which all difficulties might be removed. What the method was, and how received, will best appear from his own words. "It is said, Ad Regem adire nos posse: plenum opus aleæ. De Rege ipso præclara omnia et dico et sentio; at ministro—ministris ejus, etc."

Answer to alleged cases of alteration of Statutes.

The practice of the University was mentioned by the Vice-Chancellor as a proof of its right to explain or alter Royal Statutes. Ab ipsis Academiæ incunabulis (says he) Statuta explanavimus. What is this more than to say, we have done it, therefore we may lawfully do it? That the University might lawfully do it, till they received their present Statutes, nobody disputes. It was expressly admitted by the Proctors in their former representation. But the instances produced of their explaining or altering any Statutes since that time are nothing to his purpose; nor do they prove the least inconsistency in the conduct of the Proctors. One of the instances was, that Declamations are enjoined by a Statute made since the general confirmation; and that one of the Proctors in obedience to that Statute hath regularly attended them. But if it had been considered that one of the confirmed Statutes gives power aliquid de novo statuere; and that the exercise alluded to is entirely new, and not an explanation of any former Statute, this objection would not have been made.

A late Statute relating to Delegates of the Press was urged as another instance of the University's having made explanatory Statutes; and the attendance of the Proctors upon this Delegacy was also mentioned as a further proof of their inconsistency. But can it be shown, that the Proctors attend this Delegacy in obedience to the new Statute? Are they not Delegates of the Press in virtue of their offices? And therefore, though they have been present at several meetings, might they not have met in virtue of their office? The Proctors claim no power from the new Statute: they act under their ancient right.

The last instance produced by the Vice-Chancellor, referred to the holding of Convocations on some occasions in the Theatre. But is there among the confirmed Statutes any one which appoints Convocations to be held in any particular place? If there is not, how doth

Appendix D.

4. Answer of the Proctors to Objections.

this instance affect the Proctors? Did they ever deny that the University might make rules at their pleasure, concerning matters not provided for by any of the confirmed Statutes?

But suppose these instances had been so many proofs that the University had made Explanatory Statutes; what advantage could the Vice-Chancellor have made of it? Could he have said, that whatever hath been done, may lawfully be done again? Would not all serious men examine the instances by the Statutes; and if they are not warranted by them, would they not repent of having done wrong, rather than persist in doing it?

Proctors' veto disregarded.

The Vice-Chancellor, having finished what he thought fit to say with respect to the behaviour of the Proctors, addressed himself to the members of Convocation for their opinions touching the Explanatory Statutes. The Proctors here found it necessary to repeat their negative: whereupon the Vice-Chancellor called upon them in the following words; Jubeo vos facere scrutinium. How far this was consistent with the constitution of the University, or the power expressly given by Statute to the Proctors; they do not determine. They know not any Statute which countenances such a command.

Answer to another alleged case of alteration.

That no objection which hath come to the ears of the Proctors relating to their conduct, however trifling it be, may be left unanswered, some notice must be taken of an observation made by some gentlemen upon the Statute for transferring certain Act Exercises from St. Mary's Church to the Theatre. These gentlemen say, that the Act Exercises were directed to be performed in St. Mary's Church by one of the Statutes confirmed by King Charles the First; and conclude, that if the University had power to make this alteration, it has the same authority to alter any other of the confirmed Statutes. This argument is founded on an imagination that these Exercises were directed to be performed in St. Mary's Church for ever. But suppose that this imagination is without foundation; and that the Statute expressly impowers the University to transfer these Exercises to any more convenient place; what then will become of this argument? And this was really the case. For that very Statute hath the following clause in it, Donec alias de commodiori loco provisum fuerit.

General complaints.

The Proctors think that they have not omitted or misrepresented anything which was said by Mr. Vice-Chancellor; and that both in this paper, and in that which they printed before, they have treated him, and every other gentleman, with as much respect as is consistent with a true representation of their conduct, and therefore they have a right to complain of the treatment they received at the last Convocation. Reproaches and hissings were plentifully bestowed upon them, without any provocation: to put their negative, where the interest of the University, or their own oaths require it, is an undoubted privilege of the Proctors: and though they are no more obliged to give reasons for doing it, than other gentlemen are obliged to give reasons for their votes; yet they submitted to publish many objections to the two Explanatory Statutes, several days before they were proposed in Convocation. The Proctors expected that the University would at least have been satisfied that they were candid and impartial; and that their objections, if they were not well founded, were the result of their judgment. But this expectation, reasonable as it was, proved vain; and they were treated with reproaches from one whose duty it was to have protected them; and with hisses from other gentlemen, whose education should have taught them a more ingenuous and liberal behaviour. The Proctors' objections had been public more than ten days, and gentlemen had sufficient time to have shown the falsity or futility of them in a proper manner, if they had been able to do it. This was attempted by no one, except the Vice-Chancellor; how far he hath fallen short of doing it, hath been already observed. So that the Proctors may now affirm, that no one fact stated in their representation hath been proved to be false; nor one reason proved to be futile. Reason and truth are too strong to be borne down by noise and clamour; and whoever sets himself against them, will for ever be foiled. Though the Proctors are entirely satisfied that what they have done is right, and have no uneasiness from the treatment they have met with; yet they thought themselves concerned to give this further representation of their conduct: and they think that gentlemen, when their heat and passions subside, and they can coolly reflect upon what has passed with respect to these Statutes, will justify the Proctors, and condemn the violence with which they have been pursued.

5. Legal opinions on the Statute passed May 5th, 1836, in the Convocation at Oxford, having for its object to deprive the Regius Professor of Divinity, during the pleasure of the University, of certain privileges annexed to his office by the Laudian Statutes.

The First Case.

Opinion of the Attorney-General and Dr. Lushington.

5. Legal Opinion of Sir J. Campbell and Dr. Lushington in 1836.

Queries.

1. Do the king's letters patent, authorizing the adoption of the Caroline Code of Statutes, amount in law to a charter, and is the acceptance of the University of such a nature as to bind them to the strict observance of the whole Code?

Opinion.

1. We are of opinion that the king's letters patent authorizing the adoption of the *Caroline Code* of Statutes, are, in legal contemplation, a charter, and that the University of Oxford accepted the same. There being nothing in those Statutes to show that the University should have an option to accept in part and reject in part, we think the whole body of Statutes was accepted, and consequently that they are binding on the University.

Queries.

2. Can any usage subsequent to 1759, (the date of Mr. Morton's and Mr. Wilbraham's opinion) if such usage exist, control the effect of the Statutes?

3. What power, if any, does the University possess of abrogating or altering the Caroline Statutes, or any existing Statutes which may have passed prior thereto?

4. Are you of opinion that the proposed Statute, hereto annexed, can be lawfully passed by the Convocation?

Temple, April 30th, 1836.

Opinion.

2. We are of opinion that no usage, subsequent to 1759, can control the effect of the Statutes.

3. We think that the University possesses such power of abrogating and altering the Statutes as is conferred by the Statutes themselves, and further, such power of making or altering Statutes, as existed by usage prior to 1636, and is not inconsistent with, or contrary to, the Caroline Statutes.

4. As a material part of the proposed Statute appears to us to be inconsistent with the Caroline Statutes, we are of opinion that it cannot legally be passed by the Convocation *without the consent of the Crown.*

(Signed) J. Campbell.
J. Lushington.

The Second Case.

Opinion of the Attorney-General, Dr. Lushington, and Mr. W. Hull.

Queries.

1. Had the University in 1636, power to accept a Charter from the King which should bind their successors, such Charter abridging the powers confirmed to the University by the Act of Parliament of the 13th of Elizabeth; and if so, are not the words "Statuta Regiâ auctoritate sancita vel confirmata," p. 119, to be understood of particular Statutes alone passed in 1634, and included in the words "Statuta jam condita"?

Opinion.

It is obvious from the opinions of Mr. Justice Blackstone and Messrs. Morton and Wilbraham, that doubts have heretofore existed as to the extent of the power of the University in repealing the old and making new Statutes. If the University possessed an unlimited power of repealing old and making new Statutes prior to 1636, and that power is not modified by the Statutes of 1636, it can exist only by force of the Act of Parliament of 13th Elizabeth, for no less authority can prevent the doctrine established in the case of the "King and Westwood," attaching on this case.

There is no proof, to our knowledge, that any such unlimited power ever existed, and certainly in 1636, none such was supposed to exist. We think, therefore, that the answer to the 3rd Query of the former case is well founded. We think the Laudian Code is binding on the University as a Charter accepted by it. In that Code we find no general repealing power. The accustomed power of making new Statutes is reserved, but under certain restrictions.

Nothing done by the authority of the Crown could (as is most clear) have the effect of repealing an Act of Parliament; but we do not conceive that the Act of Elizabeth bound the University from accepting a new Charter from the Crown. The intention of that Act was to make the Charter theretofore given "good, effectual, and available in law;" and in our judgment, as Charters, and nothing more, curing all legal defects which may have existed in them, and preventing any possible bygone forfeiture from attaching, but not to alter the nature of the Charter, and to make it and every part of it binding. A Parliamentary confirmation of this kind, does not in our judgment, tie up the Crown and the University, the one from the granting and the other from accepting a new Charter.

1. We are disposed to think that it was competent to the University to accept a new Charter from the Crown, though, in some respects, it might abridge the powers enjoyed prior to the statute of Elizabeth. But even if this were otherwise, it would be necessary for them who contend that a power contrary to the

Appendix D.

Legal Opinion of Sir J. Campbell, Dr. Lushington, and Mr. W. Hull, in 1836.

Queries.	Opinion.
	Charter existed prior to the statute of Elizabeth, to show it. Some obscurity rests upon these words, "Statuta Regiâ auctoritate sancita vel confirmata," as used in the Statute Book, tit. x. sec. 2, par. 2, p. 119; but we are of opinion that these words are not to be confined to particular statutes passed in 1634, comprehended under the terms "statuta jam condita," but that they do extend to all statutes to be made after that period by the authority of the Crown.
2. Is the University bound by the legal construction of the passage, such construction being assumed not to have been contemplated by those who framed or confirmed the statutes?	2. We apprehend that the University must be governed by the legal construction.
3. Is the whole statute or any part of it, for any and what reasons illegal or void, or in any or what way voidable?	3. We think that the statute of 1836 is illegal, as violating the restrictions imposed by the Laudian Code, and as passed by the assumption and exercise of a power which has not been conceded to the University.
4. Must it be put in operation before any proceedings are had to declare it void, or quash it; or can any and what proceedings be now instituted for that purpose?	4. We think the statute must be put into operation before any proceedings could be taken by action in any Court of Common Law.
5. What proceedings, and before what tribunal, are open to the Regius Professor, or to any other and what person, for the purpose of declaring void or quashing this statute; and what proceedings for that purpose, by what person, in what character, do you recommend in behalf of the Regius Professor of Divinity?	5. We think the Regius Professor, or any Member of the University, may present an appeal against the statute of the Visitor.
6. Is there a Visitor of the University of Oxford? In whom is the power of visiting vested, and what is the mode or process by which Dr. Hampden can bring before the Visitor the question of the legality or illegality of the statute against him?	6. We are of opinion that there is a Visitor of the University of Oxford, and that the power of visiting that University is in the Crown; and that a petition in the usual form will bring before His Majesty the legality or illegality of the late statute, and other proceedings against Dr. Hampden.

Temple, December 17th, 1836.

(Signed) J. Campbell.
Stephen Lushington.
William Winstanley Hull.

APPENDIX E.

[See Report, pp. 17, 18, 24, 25, 30].

Report of a Committee of the Hebdomadal Board on University Extension.

Report of a Committee of the Hebdomadal Board, in answer to an Address upon the Extension of University Education.—Presented to the Board of Heads of Houses and Proctors, March 16, 1846.

The following paper, with some others on the same subject, was communicated to your Committee:—

Address on University Extension.

"Considerable efforts have lately been made in this country for the diffusion of civil and "spiritual knowledge, whether at home or abroad. Schools have been instituted for the lower "and middle classes, churches built and endowed, Missionary Societies established, further "schools founded, as at Marlborough and Fleetwood, for the sons of poor clergy and others; "and, again, associations for the provision of additional ministers. But between these schools, "on the one hand, and, on the other, the ministry, which requires to be augmented, there is a "chasm which needs to be filled. Our Universities take up education where our schools leave "it, yet no one can say that they have been strengthened or extended, whether for clergy or "laity, in proportion to the growing population of the country, its increasing empire, or deepening "responsibilities.

"We are anxious to suggest that the link which we find thus missing in the chain of im- "provement should be supplied, by rendering academical education accessible to the sons of "parents whose incomes are too narrow for the scale of expenditure at present prevailing among "the junior members of the University of Oxford, and that this should be done through the "addition of new departments to existing Colleges, or, if necessary, by the foundation of new "collegiate bodies. We have learned, on what we consider unquestionable information, that in "such institutions, if the furniture were provided by the College, and public meals alone were "permitted, to the entire exclusion of private entertainments in the rooms of the Students, the "annual College payments for board, lodging, and tuition might be reduced to 60*l.* at most, and "that, if frugality were enforced as the condition of membership, the Student's entire expenditure "might be brought within the compass of 80*l.* yearly.

"If such a plan of improvement be entertained by the authorities of Oxford, the details of its "execution would remain to be considered. On these we do not venture to enter, but desire to "record our readiness, whenever the matter may proceed further, to aid by our personal exertions, "or pecuniary contributions, in the promotion of a design which the exigences of the country so "clearly seem to require."

"Sandon.	Sidney Herbert.	R. Jelf.
Ashley.	Canning.	W. H. Hale.
R. Grosvenor.	Mahon.	W. Heathcote.
W. E. Gladstone.	W. B. Baring.	Edw. Berens.
T. D. Acland.	J. Nicholl, Judge Advo-	J. Woolley.
Ph. Pusey.	cate.	Horace Powys.
T. H. S. Sotheron.	W. J. James.	Hon. W. Herbert, Dean
Westminster.	Sir R. Glynne.	of Manchester.
Carnarvon.	J. E. Denison.	G. Moberley.
T. D. Acland, Bart.	Wilson Patten.	A. C. Tait.
W. Bramston.	R. Vernon Smith.	H. Labouchere."
Lincoln.	S. Wilberforce.	

Answer of the Committee.

Your Committee, having considered these communications, and having made some inquiries into the present state of the University, with respect to accommodation and expense, beg to submit the following Report.

It appears to your Committee most desirable that the University should be considerably extended; that the advantages of academical education should be afforded to many more of the sons of the higher classes of the community, whatever their destination in after-life; and, above all, they apprehend that there is an urgent call for many more than the University now sends forth to meet the daily-increasing demands for additional labourers in the ministry of the Church of England at home and abroad. They believe it also to be highly desirable that increased aid and facilities should be afforded to the sons of the poorer clergy and gentry, who are often unable to sustain the usual expense of a University education. It should not, however, be forgotten that much has been already done within the University of Oxford to meet the increased demand for admission subsequently to the peace of 1814.

Increase of the Number of Oxford Students.

The number of Undergraduates on the books of the University increased from 1,022, in 1812, to 1,346 in 1820, to 1,481 in 1830, and it was 1,480 in 1845. The matriculations (a better criterion of the number of Undergraduates under actual instruction), which were 227 in 1812, rose to 444 in 1824, and they averaged 415 during the ten years ending 1829; thus, the period of residence being three years, we find an increase of above 400 resident Undergraduates, and below the standing for the B.A. an increase of 550. During the ten years ending 1839, the matriculations averaged 385, and 407 during the six years ending 1845.

The number of Students who passed their examination for the degree of B.A. was 153 in 1812; but it amounted to 224 in 1820, to 273 in 1830, to 323 in 1840, and 297 in 1845. The number of educated persons, therefore, sent forth annually by the University has been considerably increased; in a ratio, indeed, exceeding that of the increase of the population of

England and Wales during the same period. And not to speak of the larger increase in the number of persons educated at Cambridge, within the same period, or of those who have been sent forth by the new Colleges and Universities which have arisen since the peace, the number of persons now existing who have been educated at Oxford alone must be between 4,000 and 5,000 more than were living 30 years ago.

To accommodate so much larger a number of Students (all, with very few exceptions, obliged by statute to lodge for the first three years within the walls of the collegiate buildings), several Colleges and Halls have added considerably to their number of rooms, some to the extent of a third or fourth, the total addition being about 170.

At the present time, however, notwithstanding the great increase in the number of Undergraduate Members, as well as in the total amount of names on the books of the University (above 2,200 more than there were 30 years since, and nearly 500 more than in 1830, when the matriculations were the most numerous), it may nevertheless be inferred, from the decrease in the average number of the matriculations subsequently, in 1829, and the increase in the number of rooms, that there are rooms in the University unoccupied, perhaps, from 60 to 80; so that a considerable number of Students might obtain immediate admission in the University.

Reduction of Expenses.

With regard to expense, also, much has been done with a view to the regulation and diminution of the necessary expenses of the Students, and it will scarcely be found practicable to reduce them to a much lower scale. It is probable that in some cases the regulations are somewhat too strict at present, the Students being thus exposed to the temptation of supplying from without what they think deficient within the walls. In some instances, when a College has itself supplied everything, it has done so at an actual loss; and in all cases the expenses would be higher, were it not for the contributions of the Colleges themselves towards the support of the establishment.

Actual Expenses.

The expenses of the Commoners, as they appear on the books of several Colleges and Halls, are found to vary from about 55*l.* per annum to about 104*l.*, the average annual rate of expense being in some Colleges 65*l.*, in others 75*l.*, in others 80*l.* These include, besides the expenses of the table (except grocery), tuition, room-rent, coals, dues to the University and the College, servants' wages, and, in some cases, washing and other items. Suppose the whole expense to be 73*l.*, and deduct for tuition 16 guineas, room-rent 10*l.*, dues 3*l.*, servants 4*l.*, then the expense of living will appear to be about 39*l.* for the academical year. But individuals are living at a still smaller expense—at little more than 30*l.* per annum, and this without being secluded from the general society of the College.

To estimate these expenses properly, we should compare them with those of our public schools and new Collegiate institutions. They would, in fact, be larger were it not for the endowments of Colleges and Professorships. Hence, the Commoners' tuition for the entire period of academical education is from 48 to 64 guineas (the payment being distributed over the several terms, usually of four, sometimes of three years); whilst Professorial is, in many cases, gratuitous, the lectures in the department of Theology entirely so, for which, in other places, the remuneration exceeds the whole expense of tuition at Oxford.

As to expenses without the walls of Colleges, they must depend for the most part upon the prudence and principle of the Students themselves, and upon the efficient co-operation of their parents with the endeavours of the College authorities. The subject has frequently engaged the serious attention of the authorities of the University. There are existing and effective regulations against expense; others have from time to time been devised, and abandoned as ineffectual. If the Student will combine with the tradesman to evade the sumptuary laws of the University or the College, he will frequently succeed and escape detection; and additional impediments have been opposed of late to the University laws affecting the tradesmen of the place by the rapidity of communication with the metropolis.

These are circumstances, then, to be borne in mind in considering the suggestions which have been offered for increasing the accommodation and diminishing the expenses of the University.

For these purposes it has been suggested to found a new College, or build a new Hall, under its own officers and government; to add new buildings to existing Colleges, with a distinct economy, but under the government of the existing College authorities; to provide exhibitions tenable by Members of any College or Hall; to provide for the accommodation of a great number of Students, by abridging the statutable residence, within the walls of Colleges or Halls; or to allow Students to lodge in houses not locally attached, as the statutes at present require, to some College or Hall, but under the supervision of some senior Member or Fellow of a College.

Proposal of a new College.

1. There appears to be no reason why the Crown should refuse a Charter, or the University deny incorporation, to a new College properly endowed and regulated. But to build and adequately endow a new College is suited rather to ancient munificence than to the economical views of modern times. A Hall without endowments, or a College insufficiently endowed, would of course entail heavier expenses upon the Students for tuition and other advantages than they incur in the ancient foundations, where the Tutors and other officers—being usually Fellows—are in part, and the Heads of Colleges are altogether, sustained by the endowments. A new College should also be independent. The University, it is presumed, would decline to incorporate any institution analogous to a proprietary school. But supposing a spirit of munificence to arise equal to the occasion, it is little likely that a new institution (although for a time under peculiar and stringent regulations it might introduce some improvements or diminish some expenses) would long continue better or more economical than the old. The average expenses at the New University of Durham, for example, do not fall below the amounts above mentioned at Oxford. In a few years, the general character and regulations of any new institution would probably be as like the rest as these are like one another.

2. To add new buildings to existing Colleges, whether with or without a distinct economy or regulations, or with a diminished rate of tuition, or lower rent of rooms, or with furniture or other advantages supplied gratuitously, is a much simpler expedient, and would require much smaller funds; and it would of course require no other consent than that of any College which might be willing to receive aid from without for such a purpose. It does not, however, appear desirable to create any order of Students in a lower rank, or what would be considered a degrading position, nor to endeavour to restrict them altogether to public meals.

2. Proposal of new Buildings annexed to existing Colleges.

3. A still simpler expedient, and one which might either be united with the former or kept distinct from it, would be the foundations of exhibitions to be conferred, not upon grounds of literary merit, but of poverty, character, and economical habits, for the direct purpose of aiding those, and only those, who need such assistance, and to be forthwith taken away from those who would not conform to regulations of strict economy.

3. Exhibitions.

No plan can be suggested more consistent than this with our actual system. Advances of money also, to cover the first expenses of the University, the fees, caution money, and cost of furniture, might often be serviceable to parents of narrow incomes, and might be afterwards in part, or altogether, repaid; and such advances or exhibitions might be given at the discretion of the College authorities or by other parties, either openly, or, as is sometimes the case at present, privately, without the knowledge of any one besides the persons who confer and who receive them; since, in the year 1812, it may be mentioned, about thirty scholarships and exhibitions have been founded at Oxford (in several cases by the Colleges themselves), besides five Fellowships and nineteen University prizes or scholarships for literary attainments. Few, however, if any of these, are intended solely to meet the case of straitened circumstances.

4. With respect to the suggestion for increasing accommodation and diminishing expense, by abridging the statutable residence at the University, your Committee are of opinion that it would not be expedient to shorten the period of necessary residence.

4. Diminution of Residence.

5. Lastly, as to the suggestion, that Students might be permitted, under proper regulations, to reside in houses not locally attached to Colleges, but kept and superintended by senior Members of the University, responsible for the Students under their supervision, your Committee are, for the most part, not prepared to recommend any relaxation of the existing statutable restrictions upon the residence of Undergraduates without the walls of Collegiate buildings. But it would appear, upon the whole, that there is ample room for the exertions of benevolence and liberality, such as your Committee are required to see indicated in the paper prefixed to this Report, whilst there are several methods by which they might be carried into effect consistent with the present statutes and practices of the University.

5. Private Lodging Houses.

Resolved—That the Board, without expressing any opinion upon the suggestions contained in the preceding Report, permit the Provost of Worcester to communicate copies to any of the parties whose names are attached to the paper prefixed to it.

B. P. SYMONS, *Vice-Chancellor.*

Delegates' Room, March 16, 1846.

APPENDIX F.

[See Report, p. 110.]

STATEMENT respecting the PROFESSORSHIPS at OXFORD (1851).

DESIGNATION.	Date.	Endowment.	Mode of Appointment.	Term of Office.	Duties as required by Statutes.	Duties as customarily Performed.	Nature of Subjects.	Number of Pupils in each Course.	Fees.
*Margaret Prof. of Divinity.	1497	Stall in Christ Church, from the Crown.	Graduates in Divinity. .	Two years, but usually re-elected for life.	To lecture twice a week, at nine A.M., to B.A.'s in the Divinity School (Addend. Tit. IV., sect. 1, c. 17).	A Terminal course . .	. . .	. . .	No fees.
Regius Prof. of Divinity.	1546	Stall at Christ Church, and Rectory of Ewelme, from the Crown; annuity derived from house property in Westminster (22*l.* 6*s.* 7*d.*); and fees for presentation to Degrees in the Faculty, average of 3 years, 23*l.* 11*s.* 2*d.*	The Crown	For life	To give one Theological course in his first year, and two courses in each subsequent year (*Ibid.* c. 18).	Public Lectures three times in each year, and Private Lectures three times at least in each week during Term.	Public Lectures. Introduction to Study of Theology; Clerical Duty; Aids at arriving at the sense of Holy Scripture; Creeds; Church History; Continental Reformation; English Reformation; Book of Common Prayer; Practical Duties of Clergymen in charge of parishes.	The numbers have varied during the last two years, from Term to Term, as follows, 13, 3, 6, 26, 16, 14.	No fees.
Regius Prof. of Civil Law.	1546	34*l.* 18*s.* from Woods and Forests; Lay Stall at Salisbury (56*l.* 6*s.*) from the Crown; Ampthill Hospital (2*l.*); investment of the rent on a small piece of land (6*l.* 10*s.* 4*d.*); total 99*l.* 13*s.* 4*d.*	The Crown.	For life	To give one course of Lectures a year on their Corpus Juris Civilis (*Ibid.* c. 11).	No Lectures. The annual delivery of Latin speeches in presenting to the Honorary Degrees of D.C.L.	Private Lectures on Scriptorum Ecclesiasticorum Opuscula, and the Book of Common Prayer.	. . .	. .
*Regius Prof. of Greek	1546	40*l.* from the Chapter of Christ Church.	The Crown.	For life	To give one course of Lectures a year (*Ibid.* c. 9).	No Lectures	. . .	. . .	. .
Regius Prof. of Medicine.	1546	34*l.* 19*s.*; 30*l.* 11*s.* 1*d.* as Dr. Tomlin's Prælector in Anatomy; 124*l.* 15*s.* as Dr. Aldrich's Professor of Anatomy; 58*l.* 5*s.* as Master of Ewelme Almshouse; and fines from the estates of the Almshouse on an average of the last 20 years, 218*l.* 8*s.* 9*d.*; in all 466*l.* 18*s.* 10*d.*	The Crown.	For life	To give one course of Lectures a year on Medicine (*Ibid.* c. 12).	No Lectures latterly (those on Anatomy having been undertaken by Dr. Lee's Reader).	. . .	In former times rarely more than 10, often not above 4 or 5.	Three guineas.
*Regius Prof. of Hebrew.	1546	Stall at Christ Church . . .	The Crown.	For life	To Lecture twice a week to all Bachelors of Arts, at one and two P.M. (*Ibid.* c. 10).	A Terminal course . .	Some portion of the Old Testament.	. . . .	No fees.
*Sedley's Prof. of Natural Philosophy.	1618	120*l.* from Sedley's estate . .	The Vice-Chancellor, President of Magdalene, and Warden of all Souls.	For life	To give one course of Lectures a year on authors of the best repute in Physics (*Ibid.* c. 7).	. . . .	. . .	. . .	. .
Savile's Prof. of Geometry.	1619	275*l.* from Savile's estate, with house (at present).	The Archbishop of Canterbury, Lord Chancellor, Chancellor of University, Bishop of London, Principal Secretary of State, the three Chief Justices, and the Dean of Arches; with the advice (if they please) of the Vice-Chancellor of University. No limit of University or nation, &c.	For life, but removable if incapacitated by age or permanent sickness, retaining one-third of stipend, unless he have otherwise 100*l.* per annum; his successor to be content with two-thirds of stipend until the death of the retired Professor.	To deliver certain Latin Lectures in the schools, and to be ready to give private instruction (*Ibid.* c. 4).	Lectures in English at his house.	Illustrative of the principal branches of pure Mathematics; a course of from 12 to 15 Lectures annually.	Average not above 3; the number has varied from 18 to none.	No fees, or occasionally 1*l.* 1*s.*

* An asterisk is affixed to those Professors from whom no returns have been received.

Designation.	Date.	Endowment.	Mode of Appointment.	Term of Office.	Duties as required by Statutes.	Duties as customarily Performed.	Nature of Subjects.	Number of Pupils in each Course.	Fees.
Savile's Prof. of Astronomy.	1619	275*l.* from Savile's estate, with house (at present).	The Archbishop of Canterbury, Lord Chancellor, Chancellor of University, Bishop of London, Principal Secretary of State, the three Chief Justices, and the Dean of Arches, with the advice (if they please) of the Vice-Chancellor of University. No limit of University or nation, &c.	For life, but removable if incapacitated by age or permanent sickness, retaining one-third of stipend, unless he have otherwise 100*l.* per annum; his successor to be content with two-thirds of stipend until the death of the retired Professor.	To Lecture on Astronomy, Optics, &c., and to make and record Astronomical observations (*Ibid.* c. 5).	Lectures in English at his house.	Plane Astronomy, including the elements of Practical Astronomy; Lectures three times in the year.	Average number about three.	No fees.
White's Prof. of Moral Philosophy.	1621	100*l.* from Dr. White's estate .	The Vice-Chancellor, the Proctors, Dean of Christ Church, and Presidents of Magdalene and St. John's.	For five years, or (with a grave or urgent cause) for ten years.	To give one course of Lectures in his first year, and two afterwards (*Ibid.* c. 3).	Terminal courses, three, or four, or six times a-week.	Greek or English writers on Mental and Moral Philosophy.	Between 40 and 50.	No fees.
Camden's Prof. of Ancient History.	1622	140*l.* from Camden's estate .	Convocation	For life	The same (*Ibid.* c. 8).	Two courses, and one course in alternate years.	Ancient Historians, or questions connected with Ancient History.	The average for the popular Lectures about 40, for the others about 10.	No fees.
Heather's Prof. of Music.	1626	16*l.* 16*s.* 8*d.* from Dr. Heather's estate; increased to 30*l.* Fee of one guinea from each candidate on admission to a Degree in Music.	The Proctors	Annual; usually held for life.	To Lecture once a term. To compose for and conduct all musical performances connected with Academical ceremonies.	No Lectures.	. . .		
*Laud's Prof. of Arabic.	1636	. . . .	Presidents of St. John and Magdalene, Wardens of New College, All Souls, and Merton.	For life	To lecture once a week in Vacation or in Lent Term (*Ibid.* c. 19).	. . .	. . .	. . .	. .
Professor of Botany .	1669	78*l.* 3*s.* interest of money bequeathed by Consul Sherard; 97*l.* 1*s.* 8*d.* Grant from Parliament; 200*l.* annually, if he does not practise medicine, for Lectures on Rural Economy.	The Fellows of the College of Physicians in London.	For life	To give a course of Lectures once a year (*Ibid.* c. 16).	A course of Lectures once a year. 12 Lectures in the course.	Vegetable Physiology and Systematic Botany.	. . .	. .
*Birkhead Prof. of Poetry.	1708	. . . .	Convocation	For five years; may be re-elected for five years more.	To give one Lecture a Term (*Ibid.* c. 21).	One Lecture a Term in Latin.	Poetical criticism . .	. . .	. .
Regius Prof. of Modern History.	1724	371*l.* from Civil List . . .	Crown	During pleasure. . .	One Lecture a Term .	1st year five written Lectures, 2nd year 16 spoken Lectures.	Growth of the Feudal System in Europe; growth of Papal Power in Europe, &c.; History of Church Endowments; Physical Geography of England; Conflicts between William the Conqueror and Anglo-Saxon England.	First year 160, on an average, second year 57.	The first year's course was given gratis. For the second course of 16 Lectures, a fee of one guinea was charged.
*Rawlinson's Prof. of Anglo-Saxon.	1795	Fee-farm rents of lands in Lancashire.	Convocation; the several Colleges to enjoy it in succession, reserving every 5th turn to St. John's. No native of Scotland, Ireland, or Plantations Abroad, nor of their sons. No Member of Royal Antiquarian Societies. Must be unmarried.	For five years.	12 Lectures in Lent (*Ibid.* c. 27).	A Terminal course.			
*Viner's Prof. of Common Law.	1758	200*l.* from Viner's bequest . .	Convocation	For life	To Lecture in English a year after admission; two courses on the Laws of England every year; each course of eight Lectures; not more than four a week (*Ibid.* c. 22).	. . .	. . .	. . .	. .

Statement respecting the Professorships at Oxford—*continued.*

Designation.	Date.	Endowment.	Mode of Appointment.	Term of Office.	Duties as required by Statutes.	Duties as customarily Performed.	Nature of Subjects.	Number of Pupils in each Course.	Fees.
Earl of Lichfield's Clinical Prof.	1780	217*l.* 4*s.* from Earl of Lichfield's bequest, exclusive of fees from Pupils.	Convocation	For life	To read Clinical Lectures in Radcliffe's Infirmary to Students of Medicine annually.	As required		Average, for the last three years, five.	Two or three guineas.
Lord Almoner's Reader in Arabic.	1780?	40*l.* from Almonry Bounty	Lord Almoner	For life	To give one course annually (*Ibid.* c. 13).			Three, four, or one.	
Sherard's Prof. of Botany.	1793	100*l.* Annual Grant	College of Physicians	(*Vide* Prof. Botany, p. 59)	To give one course a-year (*Ibid.* c. 20).				
Aldrich's Prof. of Anatomy.	1803	124*l.* 15*s.* annexed to Regius Prof. of Medicine.							
Aldrich's Prof. of Chemistry.	1803	124*l.* 15*s.* from Aldrich's bequest, and 97*l.* 1*s.* 8*d.* Grant from Parliament. £. s. d. 124 15 0 97 1 8 £221 16 8 Also fees from Pupils.	Convocation	For life	To deliver a course of Lectures annually on Chemistry; number not specified (*Ibid.* c. 23).	40 Lectures at first, now reduced to 24 or 22.	Chemistry	Average from the years 1822 to 1830, 31 per annum; from 1831 to 1838, 16 per annum; from 1838 to present time, 12.	
Aldrichian Prof. of Medicine.	1803	128*l.* 10*s.* Aldrich's bequest; and fees.	Convocation	For life	To give a course of Lectures annually (*Ibid.* c. 15).	Lectures now combined with Clinical Lectures.	Physic		
Lee's Prælector of Anatomy.	1750	Originally 100*l.*, now 200*l.* per annum.	Dean of Christ Church; from Students of Christ Church.	For life	To dissect and Lecture upon two human bodies every year.	Two courses of Lectures annually, sometimes three courses, without human bodies.	Each course from 15 to 20 Lectures.	From 12 to 20	Two guineas.
Reader in Experimental Philosophy.	1820	30*l.* per annum—called Lord Crewe's Exhibition; 100*l.* per annum from Civil List. Fees about 100*l.* per annum.	Vice-Chancellor of University.	For life	One course of Lectures per annum.	Three courses in each year.	Mechanics, 14 or 15 Lectures; Hydrostatics and Pneumatics, 12 or 13; Sound, 6 or 7; Light, if including Geometrical Optics, 15 or 16; if only Physical Optics, 7 or 8; Electricity, &c., 11 or 12.	Average, 30	One or two guineas.
Reader in Mineralogy and Geology.	1813? 1818?	100*l.* Annual Grant and fees. Geology 100*l.* per annum.	The Crown.	For life	One course of Lectures per annum, at least, or forfeit stipend.	Two courses annually; each about 15 Lectures.	Mineralogy.	Average for four years, 107.	No fees.
Drummond's Prof. of Political Economy.	1825	100*l.* per annum from Drummond's estate.	Convocation. To be M.A. or B.C.L. May be re-elected after two years.	For five years	Nine Lectures a year; to print six at least, or forfeit stipend.	As required	Political Economy.		
Boden's Prof. of Sanscrit.	1830	850*l.* per annum Bank Stock	Convocation	For life	42 Lectures per annum.	Average annual number of Lectures, 98		Average, 10.	
Reader in Logic	1839	247*l.* 15*s.* tax on Members of University (Servitors excepted).	Convocation	For 10 years; may be re-elected.	Two courses of Lectures annually; four first year.	Four courses in 1850			Two guineas.
*Regius Prof. of Pastoral Theology.	1842	Stall at Christ Church, from the Crown.	Crown	For life	To Lecture four days a week for six weeks in each Term.	As required.			
*Regius Prof. of Sacred History.	1842	Stall at Christ Church	Crown	For life					
*Dean Ireland's Prof. of Exegesis.	1847	300*l.* from Ireland's bequest	Heads of Houses						
*Prof. of Modern European Languages.		400*l.*	Curators of the Taylor Institution.	For ten years and then for life.	A course of eight Lectures each year.	As required	German Literature.		

APPENDIX G.

[See Report, p. 126.]

TABULA FEODORUM IN ARTIBUS.			Summa Totalis.	Universitati.	Vice-Cancellario.	Procuratoribus.	Magistris Scholarum.	Lectoribus Art. indotat.	Bibliothecario Superiori.	Collector. Baccalaur. in 40^mas.	Collector. Disput. Augustin.	Registrario Universitatis.	Bedello Superiori Theologiæ.
			£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Scholaris.	Pro culet. Annuatim, si	E Collegio	" 1 "	..	..	..	..	..	..	..	..	..	..
		Ex Aulâ	" " 8	..	..	..	..	..	..	..	..	..	..
	Pro gratia ad gradum Baccalaurei Artium.	Designatus ad Scholam	" " 2	..	..	..	..	..	..	..	..	..	..
		Auditores lecturarum indotat quilibet suo lectori singulis terminis	" " 6	..	..	..	..	" " 6	..	..	..	..	..
		Generalis in Creatione suâ	" 3 "	..	..	..	" " 6	..	..	..	..	..	..
		Nobilis (Fil.)	" 5 2	..	..	..	..	..	..	..	..	" 5 2	..
		Equitis Aurati (Fil.)	" 1 6	..	..	..	..	..	..	..	..	" 1 6	..
		Armigeri et Doctoris, natu maximi (Fil.)	" 1 6	..	..	..	..	..	..	..	..	" 1 6	..
		Alterius cujuscunque conditionis	" " 6	..	..	..	..	..	..	..	..	" " 6	..
		Cumulatus ad 300li. Annuas pro gratia ad quemvis gradum	" 3 4	..	..	..	..	..	..	..	..	" 3 4	..
	Pro admissione ad gradum Baccalaurei Artium.	Ordinarius	" 11 6	" 5 6	..	..	..	..	..	..	..	" " 6	" " 2
		Habens 5^a Annuos	1 2 2	" 5 6	" 3 "	" 4 "	..	..	..	..	..	" " 6	" " 2
		Habens 300li. Annuas	13 6 6	" 1 8	1 9 8	2 17 4	..	..	" 13 4	..	..	" 3 4	" 13 8
Baccalaureus Artium.	Pro culet. Annuatim, si	E Collegio	" 1 "	..	..	..	..	..	..	..	..	..	..
		Ex Aulâ	" " 8	..	..	..	..	..	..	..	..	..	..
	Pro Præsentatione ad determinandum.	Præsentatus ad determinandum in Quadragesima.	" 16 8	..	..	" 8 "	..	..	..	" 2 6	..	" 1 10	..
		Collectores Quadragesimales	1 15 "	..	..	..	..	..	..	..	..	..	" 2 "
	Incorporandus.	Ordinarius	" 10 7	" " 6	..	..	..	..	..	..	..	" " 6	" " 2
		Habens 5^a. Annuos	" 17 11	" " 6	" 3 "	" 4 "	..	..	..	..	..	" " 6	" " 2
		Habens 300li. Annuas	12 " 8	" 1 8	1 9 8	2 17 4	..	..	" 13 4	..	..	" 3 4	" 13 8
		Respondens in Quodlibeticis et legens 6 Lecturas pro Formâ	" 2 "	..	..	..	..	..	..	..	..	..	..
		Respondens vel Oppon. in Augustin pro Formâ	" 5 "	..	..	..	" 3 6	..	..	..	" 1 "	..	..
		Pro gratia ad gradum Magistri in Artibus	" " 8	..	..	..	..	..	..	..	..	" " 8	..
		Auditor Lecturæ nondum dotatæ. viz., Metaph. Singulis Terminis	" " 6	..	..	..	..	" " 6	..	..	..	..	..
	Pro admissione ad gradum Magistri.	Ordinarius	" 8 7	" 1 "	..	..	..	..	..	..	..	" " 8	..
		Habens 5^a. Annuos	" 19 3	" 1 "	" 3 "	" 4 "	..	..	..	..	..	" " 8	..
		Habens 300li. Annuas	17 11 8	" 3 4	1 9 8	2 17 4	..	..	" 13 4	..	..	" 3 4	" 15 "
Magister Artium.	Nondum Regens, et durante biennio Regentiæ suæ pro culet. Annuatim, si.	E Collegio	" 1 "	..	..	..	..	..	..	..	..	..	..
		Ex Aulâ	" " 8	..	..	..	..	..	..	..	..	..	..
	Die Jovis ante Comitia pro Inceptione pro Admiss. ad Regendum et Lecturis indotatis.	Ordinarius	2 3 5	In usum Pauperum.	" " 4	1 5 6	..	" 2 "	..	..	..	" 1 10	" 1 8
		Habens 300li. Annuas	3 8 11		" " 4	2 11 "	..	" 2 "	..	..	..	" 1 10	" 1 8
	Incorporandus.	Ordinarius	1 1 8	" 1 "	..	..	..	..	..	..	..	" " 8	" 1 "
		Habens 5^a. Annuos	1 9 "	" 1 "	" 3 "	4 "	..	..	..	..	..	" " 8	" 1 "
		Habens 300li. Annuas	15 10 8	" 3 4	1 9 8	2 17 4	..	..	" 13 4	..	..	" 3 4	" 15 4
	Post biennium Regentiæ suæ qui.	Præsentaverit aliquem vel disputaverit cum Baccalaureo in Quodlibeticis	" 3 4	..	..	..	..	..	..	..	..	..	..
	Admiss. ad Bibliothecam pro.	Certificatorio chirographo Registrarii	" " 6	..	..	..	..	..	..	..	..	" " 6	..
		Admissione suâ	" 11 "	..	..	..	..	..	" 10 "	..	..	..	..
	Pro dispensatione in domum	Congregationis	" 1 6	" 1 "	..	..	..	..	..	..	..	" " 6	..
		Convocationis	" 3 6	" 3 6	..	..	..	..	..	..	..	" 1 "	..

Præter hæc et alia solvenda sunt ab habentibus 300li. pro servitio et chirothecis.

TABULA FEODORUM IN ARTIBUS.

			Bedello Superiori Artium.	Bedello Superiori Juris.	Bedello Inferiori Theologiæ.	Bedello Inferiori Artium.	Bedello Inferiori Juris.	Virgifero Librario.	Sacerdoti Ecclesiæ Stæ. Mariæ.	Vicario Ecclesiæ Sanctæ Mariæ.	Bibliothecario Inferiori.	Janitori Bibliothecæ.	Clerico Universitatis.	Clerico Ecclesiæ S. Mariæ.
			£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Scholaris.	Pro culet. Annuatim, si	E Collegio	" 1 "	..	..	..	..	..	..	..	..	..	..	..
		Ex Aulâ	" " 8	..	..	..	..	..	..	..	..	..	..	..
	Pro gratia ad gradum Baccalaur. Artium.	Designatus ad Scholam	" " 2	..	..	..	..	..	..	..	..	..	..	..
		Auditores lecturarum indotat quilibet suo lectori singulis terminis	..	..	..	..	..	..	..	..	..	..	..	..
		Generalis in Creatione suâ	..	..	" " 8	" " 8	" " 8	..	..	..	..	" " 6	..	..
		Nobilis, Equitis Aurati, Armigeri et Doctoris, natu maximi (Fil.)	..	..	..	..	..	..	..	..	..	..	..	..
		Alterius cujuscunque conditionis	..	..	..	..	..	..	..	..	..	..	..	..
		Cumulatus ad 300li. Annuas pro gratia ad quemvis gradum	..	..	..	..	..	..	..	..	..	..	..	..
	Pro admissione ad gradum Baccalaurei Artium.	Ordinarius	" 3 10	" " 2	" " 4	" " 8	" " 4	..	..	..	..	..	..	..
		Habens 5s. Annuos	" 7 6	" " 2	" " 4	" " 8	" " 4	..	..	..	..	..	..	..
		Habens 300li. Annuas	4 8 6	" 13 8	" 10 8	" 13 4	" 10 8	" 10 "	..	..	..	..	" " 8	..
Baccalaureus Artium.	Pro culet. Annuatim, si	E Collegio	" 1 "	..	..	..	..	..	..	..	..	..	..	..
		Ex Aulâ	" " 8	..	..	..	..	..	..	..	..	..	..	..
	Pro Præsentatione ad determinandum.	Præsentatus ad determinandum in Quadragesima	" 1 5	..	" " 4	" " 8	" " 4	..	" " 6	" " 4	..	..	" " 6	" " 3
		Collectores Quadragesimales	" 7 "	" 2 "	" 2 "	" 7 "	" 2 "	..	..	" 10 "	..	..	" 3 "	..
	Incorporandus.	Ordinarius	" 8 7	" " 2	" " 1	" " 4	" " 1	..	..	..	..	..	" " 2	..
		Habens 5s. Annuos	" 8 11	" " 2	" " 1	" " 4	" " 1	..	..	..	..	..	" " 2	..
		Habens 300li. Annuas	3 6 10	" 13 8	" 10 2	" 10 6	" 10 2	" 10 "	..	..	..	..	" " 4	..
		Respondens in Quodlibeticis et legens 6 Lecturas pro Formâ	" " 6	..	..	..	..	..	..	..	..	..	" 1 6	..
		Respondens vel Oppon. in Augustin pro Formâ	..	..	..	..	..	..	..	..	..	..	" " 6	..
		Pro gratia ad gradum Magistri in Artibus	..	..	..	..	..	..	..	..	..	..	..	..
		Auditor Lecturæ nondum dotatæ, viz., Metaph. Singulis Terminis	..	..	..	..	..	..	..	..	..	..	..	..
	Pro admissione ad gradum Magistri.	Ordinarius	" 5 2	..	" " 6	" " 9	" " 6	..	..	..	..	..	..	..
		Habens 5s. Annuos	" 8 10	..	" " 6	" " 9	" " 6	..	..	..	..	..	..	..
		Habens 300li. Annuas	8 8 "	" 15 "	" 11 "	" 14 "	" 11 "	" 10 "	..	..	..	..	" " 8	..
Magister Artium.	Nondum Regens, et durante biennio Regentiæ suæ pro culet. Annuatim, si.	E Collegio	" 1 "	..	..	..	..	..	..	..	..	..	..	..
		Ex Aulâ	" " 8	..	..	..	..	..	..	..	..	..	..	..
	Die Jovis ante Comitia pro Inceptione pro Admiss. ad Regendum et Lecturis indotatis.	Ordinarius	" 7 8	" 1 8	" " 6	" " 8	" " 6	..	..	" " 4	..	..	" " 6	" " 3
		Habens 300li. Annuas	" 7 8	" 1 8	" " 6	" " 8	" " 6	..	..	" " 4	..	..	" " 6	" " 3
	Incorporandus.	Ordinarius	" 15 8	" 1 "	" " 6	" 1 "	" " 6	..	..	..	..	..	" " 4	..
		Habens 5s. Annuos	" 16 "	" 1 "	" " 6	" 1 "	" " 6	..	..	..	..	..	" " 4	..
		Habens 300li. Annuas	6 8 8	" 15 4	" 11 "	" 12 "	" 11 "	" 10 "	..	..	..	..	" " 4	..
	Post biennium Regentiæ suæ qui.	Præsentaverit aliquem vel disputaverit cum Baccalaureo in Quodlibeticis	" 3 4	..	..	..	..	..	..	..	..	..	..	..
	Admiss. ad Bibliothecam pro.	Certificatorio chirographo Registrarii	..	..	..	..	..	..	..	..	..	..	..	..
		Admissione suâ	..	..	..	..	..	..	..	..	..	" 1 "	..	..
	Pro dispensatione in domum	Congregationis	..	..	..	..	..	..	..	..	..	..	..	..
		Convocationis	..	..	..	..	..	..	..	..	..	..	..	..

Præter hæc et alia solvenda sunt ab habentibus 300li. pro convivio et chirothecis.

TABULA FEODORUM IN MEDICINA.	Summa Totalis.	Universitati.	Vice-Cancellario.	Procuratoribus.	Præsentatori.	Bibliothecario Superiori.	Registrario Universitatis.	Bedello Superiori Theologiæ.	Bedello Superiori Medicinæ.	Bedello Superiori Juris.	Bedello Inferiori Theologiæ.	Bedello Inferiori Medicinæ.	Bedello Inferiori Juris.	Virgifero Librario.	Scribæ Reg. Prof.	Clerico Universitatis.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Studiosus in Medicina. — Ordinarius — Pro culet. Annuatim	" 2 "	..	..	..	..	..	..	..	" 2 "	..	..	..	..	..	..	..
Respondens pro Formâ	" 1 "	..	..	..	..	..	..	..	..	..	..	..	..	..	" 1 "	..
Pro gratiâ ad gradum Baccalaurei in Medicina	" 1 "	..	..	..	..	..	" 1 "	..	..	..	..	..	..	..	..	..
Pro admissione ad gradum Baccalaurei in Medicina	2 9 2	" " 6	..	..	1 10 "	..	" " 6	" " 4	" 15 "	" " 4	" " 2	" 2 "	" " 2	..	..	" " 2
Pro gratiâ ad practicandum	" 1 "	..	..	..	..	..	" 1 "	..	..	..	..	..	..	..	..	..
Pro admissione ad practicandum	2 9 6	" " 6	..	..	1 10 "	..	" " 6	" " 4	" 15 "	" " 4	" " 2	" 2 "	" " 2	..	" " 4	" " 2
Pro licentia ad practicandum sigillandâ	" 13 10	..	" 4 6	" 2 "	..	..	" 6 8	..	..	..	..	..	..	..	..	" " 8
Habens 5^to^ Annuos. — Pro admissione ad gradum in Medicina	2 17 "	" 1 "	" 3 "	" 4 "	1 10 "	..	" 1 "	" " 4	" 15 "	" " 4	" " 2	" 2 "	" " 2	..	..	..
Habens 300^li^ Annuas — Pro admissione ad gradum Baccalaurei in Medicina	15 7 10	" 1 8	1 9 8	2 17 4	3 " "	" 13 4	" 3 4	" 14 4	3 7 8	" 14 4	" 10 6	" 14 "	" 10 6	" 10 "	" " 8	" " 6
Pro admissione ad practicandum	3 19 6	" " 6	..	..	3 " "	..	" " 6	" " 4	" 15 "	" " 4	" " 2	" 2 "	" " 2	..	" " 4	" " 4
Baccalaureus in Medicinâ. — Pro culet. Annuatim	" 4 "	..	..	..	..	..	..	..	" 4 "	..	..	..	..	..	..	..
Legens lecturas pro Formâ pro qualibet Lecturâ	" 1 "	..	..	..	..	..	..	..	..	..	..	..	..	..	" 1 "	..
Pro gratiâ ad gradum Doctoris in Medicina	" 1 6	..	..	..	..	..	" 1 6	..	..	..	..	..	..	..	..	..
Ordinarius pro admissione ad gradum Doctoris in Medicina	12 6 6	" 1 "	" 3 "	" 4 "	5 " "	..	" 1 6	" 14 10	3 12 "	" 14 10	" 7 5	" 19 2	" 7 5	..	" 1 "	" " 4
Habens 300^li^ Annuas pro admissione ad gradum Doctoris in Medicina	33 11 8	" 3 4	1 9 8	2 17 4	10 " "	" 13 4	" 3 4	2 3 "	9 10 6	2 3 "	" 19 9	1 16 8	" 19 9	" 10 "	" 1 "	" 1 "
Doctor in Medicina — Die Jovis ante Comitia. — Ordinarius	1 7 8	In usum Pauperum.	" 1 "	1 6 8	..	..	..	..	..	..	..	..	..	..	..	..
Habens 300^li^ Annuas.	2 14 4		" 1 "	2 13 4	..	..	..	..	..	..	..	..	..	..	..	..
Pro culet. Annuatim	" 6 8	..	..	..	..	..	..	..	" 6 8	..	..	..	..	..	..	..
Incorporatio — Baccalaurei in Medicinâ. — Ordinarii	" 19 6	" " 6	..	..	..	..	" " 8	" " 4	" 16 10	" " 4	" " 2	" " 6	" " 2	..	..	..
Habentis 5^to^ Annuas.	1 6 10	" " 6	" 3 "	" 4 "	..	..	" " 8	" " 4	" 17 2	" " 4	" " 2	" " 6	" " 2	..	..	..
Habentis 300^li^ Annuas	11 14 "	" 1 8	1 9 8	2 17 4	..	" 13 4	" 3 4	" 14 "	2 18 8	" 14 "	" 10 4	" 10 8	" 10 4	" 10 "	" " 4	" " 4
Doctoris in Medicinâ — Ordinarii	7 16 8	" 1 "	" 3 "	" 4 "	3 " "	..	" 1 4	" 5 4	3 12 "	" 5 4	" " 4	" 3 4	" " 4	..	" " 4	" " 4
Habentis 300^li^ Annuas	17 17 4	" 3 4	1 9 8	2 17 4	3 " "	" 13 4	" 3 4	1 4 "	4 17 "	1 4 "	" 10 8	" 13 4	" 10 8	" 10 "	" " 4	" " 4
Chirurgiæ Studiosus — Pro Gratiâ ad praxin	" 1 "	..	..	..	..	..	" 1 "	..	..	..	..	..	..	..	..	..
Pro admissione ad praxin	1 19 9	" " 3	..	..	1 10 "	..	" " 3	" " 2	" 7 6	" " 2	" " 1	" 1 "	" " 1	..	" " 2	" " 1
Pro Licentia ad praxin sub sigillo Acad^o^	" 13 10	..	" 4 6	" 2 "	..	..	" 6 8	..	..	..	..	..	..	..	..	" " 8
In Musica.																
Baccalaureus in Musica. — Pro gratiâ suâ	" 1 "	..	..	..	..	..	" 1 "	..	..	..	..	..	..	..	..	..
Pro admissione gradum Baccalaurei. — Ordinarius	" 13 4	" " 6	..	..	..	..	" 1 "	" " 3	" 10 4	" " 3	" " 2	" " 6	" " 2	..	..	" " 2
Habens 5^to^ Annuos	1 1 5	" " 6	" 3 "	" 4 "	..	..	" 1 "	" " 3	" 11 2	" " 3	" " 2	" " 9	" " 2	..	..	" " 2
Incorporandus — Ordinarius	" 12 10	" " 6	..	..	..	..	" " 6	" " 3	" 10 4	" " 3	" " 2	" " 6	" " 2	..	..	" " 2
Habens 5^to^ Annuos	1 " 2	" " 6	" 3 "	" 4 "	..	..	" " 6	" " 3	" 10 8	" " 3	" " 2	" " 6	" " 2	..	..	" " 2
Doctor in Musica. — Pro gratiâ suâ	" 1 6	..	..	..	..	..	" 1 6	..	..	..	..	..	..	..	..	..
Pro admissione ad gradum	3 2 6	" 1 "	" 3 "	" 4 "	..	..	" 1 6	" 2 "	2 4 "	" " 6	" 3 4	" " 6	..	..	" " 4	" " 4
Incorporandus	3 1 4	" 1 "	" 3 "	" 4 "	..	..	" 1 "	" 2 "	2 3 4	" 2 "	" " 6	" 3 4	" " 6	..	" " 4	" " 4

Præter hæc et alia solvenda sunt pro convivio et chirothecis.

TABULA FEODORUM IN SS. THEOLOGIA.

				Summa Totalis.	Universitati.	Vice Cancellario.	Professori Regio.	Procuratoribus.	Bibliothecario Superiori.	Registrario Universitatis.	Bedello Superiori Theologiæ.	Bedello Superiori Artium.	Bedello Superiori Juris.	Bedello Inferiori Theologiæ.	Bedello Inferiori Artium	Bedello Inferiori Juris.	Virgifero Librario.	Sacerdoti Ecclesiæ Beatæ Mariæ.	Clerico Universitatis.	Clerico Parochiæ Ecclesiæ Beatæ Mariæ.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Magister Artium.	Post primum biennium			..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	Pro culet. Annuatim			„ 2 „	..	..	..	..	..	..	„ 2 „	..	..	..	..	..	..	..	..	..
	Respondens pro formâ	Ordinarius		„ 14 4	..	..	..	..	..	..	„ 10 „	..	..	„ 3 4	..	..	..	..	„ 1 „	..
		Habens 40^li Annuas		1 15 4	..	..	..	..	..	..	1 6 8	..	..	„ 6 8	..	..	..	..	„ 2 „	..
	Habens concionem pro formâ	Ordinarius		„ 1 6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	„ 1 6	..
		Habens 40^li Annuas		„ 3 „	..	..	..	..	..	..	..	..	..	..	..	..	..	..	„ 3 „	..
	Pro gratia ad gradum Bacc. in S. Theologia	Ordinarius		„ 1 „	..	..	..	..	..	„ 1 „	..	..	..	..	..	..	..	..	..	..
		Habens 40^li Annuas		„ 3 4	..	..	..	..	..	„ 3 4	..	..	..	..	..	..	..	..	..	..
	Pro admissione ad gradum Baccalaur. in Sancta Theologia.	Ordinarius	Commorans et Commoraturus	1 6 8	„ „ 6	.. ..	„ 6 8	..	..	„ 1 „	„ 13 10	„ „ 10	„ „ 10	„ 1 8	„ „ 7	„ „ 7	..	..	„ „ 2	..
			Commorans sed non Commoraturus	1 13 4	„ „ 6	..	„ 6 8	..	..	„ 1 „	1 „ 6	„ „ 10	„ „ 10	„ 1 8	„ „ 7	„ „ 7	..	..	„ „ 2	..
			Non Commorans sed Commoraturus	2 „ „	„ „ 6	..	„ 6 8	..	..	„ 1 „	1 7 2	„ „ 10	„ „ 10	„ 1 8	„ „ 7	„ „ 7	..	..	„ „ 2	..
			Nec Commorans nec Commoraturus	2 6 8	„ „ 6	..	„ 6 8	..	..	„ 1 „	1 13 10	„ „ 10	„ „ 10	„ 1 8	„ „ 7	„ „ 7	..	..	„ „ 2	..
		Habens 5^e Annuos	Commorans et Commoraturus	2 14 8	„ „ 8	„ 3 „	„ 6 8	„ 4 „	..	„ 1 „	1 12 2	„ „ 10	„ „ 10	„ 4 2	„ „ 7	„ „ 7	..	..	„ „ 2	..
			Commorans sed non Commoraturus	3 1 4	„ „ 8	„ 3 „	„ 6 8	„ 4 „	..	„ 1 „	1 18 10	„ „ 10	„ „ 10	„ 4 2	„ „ 7	„ „ 7	..	..	„ „ 2	..
			Non Commorans sed Commoraturus	3 8 „	„ „ 8	„ 3 „	„ 6 8	„ 4 „	..	„ 1 „	2 5 6	„ „ 10	„ „ 10	„ 4 2	„ „ 7	„ „ 7	..	..	„ „ 2	..
			Nec Commorans nec Commoraturus	3 14 8	„ „ 8	„ 3 „	„ 6 8	„ 4 „	..	„ 1 „	2 12 2	„ „ 10	„ „ 10	„ 4 2	„ „ 7	„ „ 7	..	..	„ „ 2	..
		Habens 40^li Annuas	Commorans	15 3 8	„ 2 „	1 9 8	2 „ „	2 17 4	„ 13 4	„ 3 4	4 1 4	„ 15 „	„ 15 „	„ 13 4	„ 11 2	„ 11 2	„ 10 „	..	„ 1 „	..
			Non Commorans	15 17 „	„ 2 „	1 9 8	2 „ „	2 17 4	„ 13 4	„ 3 4	4 14 8	„ 15 „	„ 15 „	„ 13 4	„ 11 2	„ 11 2	„ 10 „	..	„ 1 „	..
	Licentiatus ad prædicandum, pro		Gratiâ ad prædicandum	„ 1 „	..	..	..	..	..	„ 1 „	..	..	..	..	..	..	..	..	..	..
			Licentia ad prædicandum	„ 13 8	..	„ 4 6	..	„ 2 „	..	„ 6 8	..	..	..	..	..	..	..	..	„ „ 6	..

| | | |

TABULA FEODORUM IN JURE CIVILI.		Summa Totalis.	Universitati.	Vice Cancellario.	Bibliothecam.	Professori Regio.	Procuratoribus.	Bibliothecario Superiori.	Registrario Universitatis.	Bedello Superiori Theologiæ.	Bedello Superiori Juris.	Bedello Superiori Artium.	Bedello Inferiori Theologiæ.	Bedello Inferiori Juris.	Bedello Inferiori Artium.	Sacerdoti Ecclesiæ Beatæ Mariæ.	Clerico Universitatis.	Virgifero Librario.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
In summa quaque totali, tempore Matriculationis solvenda, numerantur decem solidi Regiæ Majestati pro impressione debiti, necnon tres solidi pro libro qui nomen habet Parecbolæ sive Excerpta e corpore statutorum	Principis Ducis aut Marchionis Fil.	13 3 4	3 6 8	0 3 4	8 10 4	..	..	..	..	" 6 8	" 3 4	..	..	..	..	..	..	..
	Comitis aut Vicecomitis Fil. .	13 5 "	3 6 8	" 2 6	8 10 4	..	..	..	..	" 5 "	" 7 6	..	..	..	..	..	..	..
	Baronis aut Episcopi Fil. . .	8 13 "	2 " "	" 1 8	5 9 0	..	..	..	..	" 3 4	" 6 "	..	..	..	..	..	..	..
	Baronetti Fil.	6 12 "	1 6 8	" 1 8	4 1 8	..	..	..	..	" 3 4	" 5 8	..	..	..	..	..	..	..
Tempore Matriculationis .	Equitis, Decani, aut Archidiaconi Fil. — Equitis Natu Max[s].	4 15 "	1 " "	" " 10	2 17 0	..	..	..	..	" 1 8	" 2 6	..	..	..	..	..	..	..
	Equitis Junior . . .	3 5 "	" 10 "	" " 10	1 17 0	..	..	..	..	" 1 8	" 2 6	..	..	..	..	..	..	..
	Armigeri aut Doctoris Fil. . .	2 19 "	" 10 "	" " 5	1 13 0	..	..	..	..	" " 10	" 1 9	..	..	..	..	..	..	..
	Generosi Fil.	2 1 "	" 5 "	" " 3	1 1 0	..	..	..	..	" " 6	" 1 3	..	..	..	..	..	..	..
	Sacerdotis Fil.	1 18 "	" 5 "	" " 3	" 19 0	..	..	..	..	" " 6	" " 3	..	..	..	..	..	..	..
	Plebei Fil.	1 9 6	" 2 6	" " 1	" 13 4	..	..	..	..	" " 2	" " 5	..	..	..	..	..	..	..
Serviens.	Generosi	1 0 0	" 5 "	" " 3	..	..	..	..	..	" " 6	" 1 3	..	..	..	..	..	..	..
	Sacerdotis Fil.	" 19 0	" 5 "	" " 3	..	..	..	..	..	" " 6	" " 3	..	..	..	..	..	..	..
	Plebei Fil.	" 16 2	" 2 6	" " 1	..	..	..	..	..	" " 2	" " 5	..	..	..	..	..	..	..
	Privilegiatus aut Serviens . .	" 13 "	..	" " ½	..	..	..	..	..	" 1 6	" 1 5½	..	..	..	..	..	..	..
Tempore Præsentationis .	Plebei Fil.	" " 6	..	..	..	..	..	..	" " 6	..	..	..	..	..	..	..	..	..
	Generosi Fil. aut Sacerdotis . .	" 2 6	..	..	..	..	..	..	" " 6	..	" 2 "	..	..	..	..	..	..	..
	Armigeri aut Doctoris Fil. . .	" 3 2	..	..	..	..	..	..	" " 8	..	" 2 6	..	..	..	..	..	..	..
	Equitis Fil.	" 4 8	..	..	..	..	..	..	" " 8	..	" 4 "	..	..	..	..	..	..	..
	Baronetti Fil.	" 5 8	..	..	..	..	..	..	" " 8	..	" 5 "	..	..	..	..	..	..	..
	Nobilis et omnis locum habentis in Parliamento Fil. . . .	" 11 4	..	..	..	..	..	..	" 4 8	..	" 6 8	..	..	..	..	..	..	..
Omnis Baccalaureus Artium obtinens aliquam Dispensationem in Domo Congregationis pro absentia unius vel plurium terminorum pro quolibet termino solvet . . .		" 5 "	..	..	..	..	..	..	" 2 "	..	" 2 6	" " 6	..	..	..	..	..	..
Baccalaureus omnis peregrinus tempore Præsentationis suæ ad Incipiendum in Facultate Artium solvet . . .		" 3 4	..	..	..	..	..	..	..	..	" 3 4	..	..	..	..	..	..	..

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APPENDIX H.

[See Report, p. 126.]

University Dues to be charged on the Books of the several Colleges and Halls.

	QUARTERLY.							YEARLY (IN ACT TERM).**			
	Culets.	Bodleian Library.*	Charter.	St. Mary's Gallery.	Divinity Clerk.	Unendowed Lectures.†	Police Tax.‡	Fire Tax.‡	Public Walks.‡	Protection of Property.§	Paving and Lighting.‖
	s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*		
Doctors of Divinity, Law, or Medicine .	1 8	2 0	0 3	. .	0 1	. .	1 3	0 4	0 6	Variable,¶—(at present 1*s.*)	Variable,¶—(at present 5*s.* 6*d.*)
Bachelors of Divinity, Law, or Medicine	1 0	2 0	0 3	. .	0 1	. .	1 3	0 4	0 6		
M.A. of 2 years' standing from Regency	0 6	2 0	0 3	. .	0 1	. .	1 3	0 4	0 6		
Other M.A. of Colleges	0 3	2 0	0 3	. .	0 1	. .	1 3	0 4	0 6		
Do. of Halls	0 2	2 0	0 3	. .	0 1	. .	1 3	0 4	0 6		
B.A. of Colleges	0 3	2 0	0 3	0 6	0 1	0 6	1 3	0 4	0 6		
Do. of Halls	0 2	2 0	0 3	0 6	0 1	0 6	1 3	0 4	0 6		
Undergraduate Students in Law or Medicine	1 0	. .	0 3	0 6	0 1	0 6	1 3	0 4	0 6		
Other Undergraduates of Colleges . .	0 3	. .	0 3	0 6	0 1	0 6	1 3	0 4	0 6		
Do. of Halls	0 2	. .	0 3	0 6	0 1	0 6	1 3	0 4	0 6		

* Undergraduates of four years' standing are also to be charged with 2*s.*

† Appropriated by Decree of Convocation May 14, 1839, to the Prælector in Logic, after deducting a payment of 9*l.* due to the Savilian Professors of Geometry and Astronomy.

‡ Subject to slight variations. Now 1*s.*

§ Charged on all who have resided fourteen days within the last four terms.

‖ Charged on all members.

¶ Depending on the assessment made by the University Bailiff, according to the expenses of the year. Servitors are not charged for culets, gallery, or public walks.

** The last year ending November 1850, 6*s.* 9*d.*

Delegates' Room, Oct. 28, 1850. F. C. Plumptre, *Vice-Chancellor.*

APPENDIX K.

[See Report, p. 61.]

Returns for the last Five Years from the Vice-Chancellor and Heads of Houses in Oxford and Cambridge, and the Provost of Trinity College, Dublin, of the Number of Students entered annually in the Books of each College or Hall within the Universities of Oxford, Cambridge, and Dublin; the Number of Candidates in each Year for the Degree of Bachelor of Arts, specifying the Number both of successful and of unsuccessful Candidates in the Degree Examination; the Number of Testimonials for Holy Orders granted annually by each College or Hall within the said Universities; the Average Number in each Year of Resident Undergraduates in New College, Oxford, and in King's College, Cambridge; and the Annual Number of Candidates from those two Colleges in the University Examinations for the Degree of Bachelor of Arts.

UNIVERSITY OF OXFORD.

Sir, *University College, Oxford, January* 5, 1850.

I have the honour to transmit to you certain Returns relating to the University of Oxford, to be laid before the House of Commons, which I have prepared, so far as was in my power, in obedience to the commands of Her Majesty the Queen, as conveyed to me in your communication of the 16th of July last.

These Returns have been made up to the 31st of December, 1849.

I have, &c.,
F. C. Plumptre,
Vice-Chancellor.

The Right Hon. Sir George Grey, Bart.,
Secretary of State, &c. &c.

1. A Return, for the last Five Years, of the Number of Students entered Annually on the Books of each College or Hall in the University.

University of Oxford Return of Matriculations.

It appears from the Register of Matriculations, that the following number of Students were matriculated and entered on the books of the several Colleges and Halls in each of the last five years ending 31st December, 1849. This list does not include the number of Students who, subsequent to their matriculation, may have removed from one College or Hall to another, in consequence of election to vacant Fellowships or Scholarships, or otherwise, there not being any public record kept of such removals:—

	1845	1846	1847	1848	1849
University College	12	22	19	15	21
Balliol College	23	22	27	26	26
Merton College	10	11	5	10	12
Exeter College	44	42	32	37	43
Oriel College	16	25	13	18	18
Queen's College	23	10	30	22	28
New College	8	3	4	10	5
Lincoln College	12	14	15	13	16
All Souls' College	1	..	2	..	1
Magdalen College	7	6	4	3	2
Brasenose College	33	31	25	26	26
Corpus Christi College	5	5	7	6	6
Christchurch College	53	53	60	54	46
Trinity College	25	25	19	16	27
St. John's College	24	18	16	20	15
Jesus College	13	14	16	10	17
Wadham College	31	27	24	20	26
Pembroke College	28	25	15	23	26
Worcester College	30	31	28	33	33
St. Alban Hall	2	1	1	1	..
St. Edmund Hall	10	5	12	7	7
St. Mary Hall	7	4	6	7	11
New Inn Hall	1	..	1	2	1
Magdalen Hall	20	16	25	32	27
Total	438	410	406	411	440

2. A Return of the Number of Candidates, in each of the said Five Years, for the Degree of Bachelor of Arts, specifying the Number of successful and unsuccessful Candidates in the Degree Examination.

Return of Degrees

It appears from the Printed Lists issued by the Senior Proctor previous to the commencement of each Examination, that the Number of Candidates for the Degree of Bachelor of Arts in each of the said five years, was as follows:—

Appendix K.

	1845	1846	1847	1848	1849
Easter Term	219	197	186	223	227
Michaelmas Term . . .	179	187	176	181	216
Total . .	398	383	362	404	443

It also appears by the Printed Lists issued by the Public Examiners at the close of each examination, that the number of those who passed the Examination, either with or without "Honours," in each of the said five years, was as follows:—

	1845	1846	1847	1848	1849
Easter Term	147	142	151	172	153
Michaelmas Term. . .	130	140	136	132	154
Total . .	277	282	287	304	307

No record is kept of the names or number of unsuccessful Candidates, nor of the number (which is usually considerable) of those Candidates, who, from various causes, voluntarily withdraw their names previous to their examination.

Return of Testimonials for Holy Orders.

3. A Return of the Number of Testimonials for Holy Orders granted annually by each College or Hall within the University, in each of the said five years.

There are not any records from which a Return of the number of Testimonials for Holy Orders granted annually by each College and Hall can be made.

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4. A Return of the Average Number, in each of the said Five Years, of Resident Undergraduates in New College, Oxford.

No Returns are required to be made each year of the number of Resident Undergraduates in any of the Colleges or Halls within the University; and I am unable to state the average number of Resident Undergraduates in New College in each of the said five years.

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5. A Return of the Annual Number of Candidates from New College in the University Examinations for the Degree of Bachelor of Arts.

It appears from the Printed Lists issued by the Senior Proctor previous to the commencement of each Examination, that the number of Candidates from New College, in each of the said five years, was as follows:—

	1845	1846	1847	1848	1849
Easter Term	1	..	3	3	4
Michaelmas Term . .	..	3	2	2	2
Total . .	1	3	5	5	6

F. C. Plumptre,
Vice-Chancellor.

University College, Oxford, January 4, 1850.

University of Cambridge.

UNIVERSITY OF CAMBRIDGE.

Sir, *St. Peter's College, Cambridge, November* 1, 1849.

In compliance with the request contained in your letter of the 16th of July last, I have the honour to transmit to you certain Returns relative to the University of Cambridge, in order that they may be laid before the House of Commons.

I was unable to prepare them immediately on the receipt of your letter, in consequence of the absence of several members of the Univerity during the long vacation; but I forward them to you with as little delay as possible, and as complete as I can furnish them.

I have, &c.,

H. W. Cookson,
Vice-Chancellor.

To G. Cornewall Lewis, Esq. &c. &c.,
Whitehall, London.

APPENDIX K.

Return of Matriculations.

RETURN, for the last Five Years, from the Vice-Chancellor and Heads of Houses in CAMBRIDGE, of the Number of STUDENTS entered Annually in the Books of each College or Hall within the University of CAMBRIDGE; the Number of CANDIDATES in each Year for the Degree of Bachelor of Arts, specifying the Number both of successful and unsuccessful Candidates in the Degree Examination; the Number of TESTIMONIALS for Holy Orders granted annually by each College or Hall within the said University; the Average Number in each Year of RESIDENT UNDERGRADUATES in King's College, Cambridge; and the Annual Number of CANDIDATES from that College in the University Examinations for the Degree of Bachelor of Arts.

NAME of COLLEGE.	Number of Students entered in the Year ending 10th October,					Number of Testimonials for Holy Orders granted during the Year ending 10th October,				
	1844	1845	1846	1847	1848	1844	1845	1846	1847	1848
St. Peter's	14	21	23	22	21	10	14	14	13	15
Clare Hall	12	20	19	11	19	5	12	5	10	4
Pembroke	10	9	5	5	10	14	9	5	6	7
Caius	32	33	41	31	26	11	9	9	15	15
Trinity Hall	14	16	12	8	10	3	7	3	5	4
Corpus Christi	33	26	29	21	24	21	20	20	25	22
King's	5	3	2	2	4	..	No record kept.			..
Queen's	38	39	36	25	36	17	7	15	14	18
Jesus	10	17	15	16	23	16	12	10	12	3
Christ's	24	28	33	23	20	14	18	14	21	24
St. John's	128	104	125	126	97	..	No record kept.			..
Magdalen	20	14	15	22	21	13	12	8	12	9
Trinity	141	155	167	153	151	51	55	58	51	65
Emmanuel	30	27	30	27	25	..	No record kept.			..
Sidney	15	13	6	15	8	8	9	8	6	6
Downing	7	2	2	8	4	1	1	..	1	1

Number of CANDIDATES for the Degree of Bachelor of Arts in the Year ending October 10.

Return of Degrees.

Years.	Successful Candidates.	Unsuccessful Candidates.	TOTAL.
1844	312	30	342
1845	354	28	382
1846	328	28	356
1847	351	24	375
1848	335	35	370

Those Candidates for the Degree of Bachelor of Arts who are members of King's College are not subjected to any examination by the University.

KING'S COLLEGE, CAMBRIDGE.

NUMBER of RESIDENT UNDERGRADUATES.

1845	12
1846	11
1847	15
1848	16
1849	14
	68

Average Number for five Years . . . 13

H. W. COOKSON,
Vice-Chancellor.

St. Peter's College, Cambridge, November 1, 1849.

TRINITY COLLEGE, DUBLIN.

Trinity College, Dublin.

SIR, *Trinity College, Dublin, September* 21, 1849.

IN accordance with your letter of the 16th July last, and the printed instructions which

APPENDIX K.

accompanied the same, I am directed by the Provost of Trinity College, Dublin, to forward to you the enclosed official Returns.

You will have the kindness to acknowledge the receipt of the same.

I have, &c.,

RICHARD M'DONNELL, D.D.,
Registrar.

To G. Cornewall Lewis, Esq.

Return of Matriculations.

RETURN of the Number of STUDENTS that entered the University of DUBLIN for the Five Years ending on the 8th of July, 1849.

	Number.
From 8th July 1844, to 8th July, 1845 . . .	366
„ 1845 „ 1846 . . .	368
„ 1846 „ 1847 . . .	371
„ 1847 „ 1848 . . .	333
„ 1848 „ 1849 . . .	327

Return of Degrees.

RETURN of the Number of CANDIDATES for the Degree of Bachelor of Arts, for the Five Years ending on the 8th of July, 1849.

	Number.	Rejected.
From 8th July, 1844, to 8th July, 1845 . .	281	15
„ 1845 „ 1846 . .	254	17
„ 1846 „ 1847 . .	267	16
„ 1847 „ 1848 . .	261	20
„ 1848 „ 1849 . .	254	12

THOMAS LUBY, *Sen. Lect.*

RETURN of the Number of STUDENTS who have obtained DIVINITY CERTIFICATES for the last Five Years.

	Number.
For the year ending 8th July, 1849	93
„ „ 1848	96
„ „ 1847	116
„ „ 1846	128
„ „ 1845	124

C. R. ELRINGTON,
Reg. Prof. of Divinity, Trin. College, Dublin.

September 17, 1849.

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Decision of Bishop of Lincoln as visitor.

OXFORD UNIVERSITY COMMISSION.

EVIDENCE.

Part I.

The following Paper was addressed to all Heads of Colleges and Halls, to all Professors and Public Officers of the University of Oxford, and to other eminent Persons connected with the University.

Oxford University Commission,
Downing-street,
November , 1850.

SIR,

HER Majesty's Commissioners for the University of Oxford, being charged with the duty of reporting to Her Majesty on the state, discipline, studies, and revenues of the University and Colleges of Oxford, and required also to report their opinions on the subjects referred to them, are anxious to obtain information and suggestions from persons who, by their station and experience, merit public confidence. They therefore request that you will communicate to them whatever, in your judgment, may assist them in the formation of their opinions, and enable them to give a faithful representation of the present condition of the University. While they will be glad to receive from you any communication bearing on the subjects of their inquiry, they beg leave to call your attention specially to the following points:—

1. The possibility of diminishing the ordinary expenses of a University education, and of restraining extravagant habits.
2. The sufficiency of the powers which the authorities possess to enforce discipline.
3. The power of the University to make, repeal, or alter statutes.
4. The mode of appointing the Vice-Chancellor and Proctors.
5. The government of the University and its relation to the Colleges, as finally established by the statutes of Archbishop Laud.
6. The means of extending the benefits of the University to a larger number of Students.
   (1.) By the establishment of new Halls, whether as independent societies, or in connexion with Colleges;
   (2.) By permitting Undergraduates to lodge in private houses more generally than at present;
   (3.) By allowing Students to become Members of the University, and to be educated in Oxford under due superintendence, but without subjecting them to the expenses incident to connexion with a College or Hall;
   (4.) By admitting persons to Professorial lectures, and authorising the Professors to grant certificates of attendance, without requiring any further connexion with the University.
7. The expediency of an Examination previous to Matriculation; of diminishing the length of time required for the first Degree; of rendering the higher Degrees real tests of merit; of so regulating the studies of the University as to render them at some period of the course more directly subservient to the future pursuits of the Student.
8. The expediency of combining the Professorial with the Tutorial system; of rendering the Professorial foundations more available for the instruction of Undergraduates generally; of increasing the number and endowments of Professorships; of providing retiring pensions for Professors.
9. The most eligible mode of appointing Professors; and the effect of existing limitations or disqualifications upon the appointment of Professors.
10. The effect of the existing limitations in the election to Fellowships, and in their tenure.
11. The propriety of abolishing the distinctions between Compounders and ordinary Graduates; between Noblemen, Gentleman-Commoners, and other Students; and also the distinctions made with respect to Parentage at Matriculation.
12. The means of fully qualifying Students, in Oxford itself, for Holy Orders, and of obviating the necessity of seeking Theological instruction in other places.
13. The capability of Colleges and Halls, as at present constituted, to furnish adequate instruction in the subjects now studied, and in those introduced by the recent Examination Statute.
14. The system of Private Tuition, and its effect both on Tutors and Pupils.
15. The means of rendering Bodley's Library more generally useful than at present.
16. The propriety of laying periodical Statements of the University Accounts before Convocation.

Her Majesty's Commissioners will be happy to receive your evidence, either orally or in writing, and in such a form as you may think best adapted to do justice to your suggestions and arguments.

I have the honour to be,
Your obedient humble servant,
A. P. STANLEY,
Secretary.

To those copies of this Paper which were transmitted to Professors, the following request was annexed, to which the answers will be found in the Second Part of the Evidence, although in some instances where they were sent together with the answers to the more general paper, they will be found in the First Part also.

Her Majesty's Commissioners also request you (as Professor of) to furnish statements under the subjoined heads, and to give them any further information or any suggestions, which may occur to you, in relation to your office:—

1. The nature of the Endowment, and its present annual value; and whether any other sources of income are attached to it.
2. Whether any special qualifications are required by statute in the persons appointed.
3. Whether any Residence, Lecture-room, Library, Apparatus, Collections, &c., are provided for you; if so, whether there are any funds for keeping them up.
4. Whether there are any statutes requiring the performance of specific duties; and whether those duties are such as could not profitably be now enforced.
5. The mode of appointment to your office; whether it is held for life, or for a term of years, and whether the person holding it is removable.
6. The nature and number of Lectures usually delivered in each year; the average number of pupils attending, and the fee paid by each pupil.
7. The general condition in the University of the branch of study to which your Professorship relates, and the means of promoting its advancement.

OXFORD UNIVERSITY COMMISSION.

EVIDENCE.

[The Evidence has (with very few exceptions) been corrected in print by the writers themselves.]

Rev. R. W. Browne, M.A.

Answers from the Rev. R. W. Browne, M.A., Prebendary of St. Paul's, Professor of Classical Literature in King's College, London, Chaplain to the Forces, and late Fellow and Tutor of St. John's College, Oxford.

EXPENSES.

Question 1. The present expenses of a University education may be classed under two heads:—

(1). University and College fees, tuition, room-rent, and battels.

(2). Those which result from the tone of society and the habits of the Undergraduates, and the ideas of expense in which they have been educated, either at home or at school, previous to coming to the University.

The expenses enumerated in the first of these classes are, in well-regulated Colleges, very moderate, lower than in most good schools, and, I should think, scarcely capable of much reduction. I have known a Bible Clerk of St. John's, of which College I was Tutor, whose allowance from the College was 40*l.*, with rooms and tuition free, receive a balance of 12*l.*, after paying all his expenses, although his statutable residence was three weeks longer than that of a Commoner. The rooms at St. John's are let at 8*l.* 8*s.*, 6*l.* 6*s.*, and 4*l.* 4*s.* per annum, according to their size, &c. In some other Colleges I believe the rents are higher, and, if so, I see no reason why they should not be reduced, except where there has been any very great outlay for new buildings.

Bible Clerk at St. John's.

Although I do not think that these necessary expenses in College can be materially reduced below the standard of well-regulated Colleges, they can be kept in check by the following means:—

Checks to College expenses.

1. College regulations. 1. That Undergraduates should be allowed to have everything which they can *reasonably* wish in their position in life for breakfast, luncheon, dinner, and supper, including even, if possible, wine and dessert, from the College kitchen, buttery, and cellar, at a fair and proper price. Thus the bringing anything into College from hotels or pastrycooks, or the giving entertainments at such places, might be prohibited by the severest penalties.

2. Weekly bills. 2. By letting every Undergraduate know weekly what he is spending. Much extravagance is caused, not only among the young, but in the world at large, from ignorance of the rate at which a man is living, and from disinclination to look into accounts. As College Tutor, I found this plan produce very striking effects. The plan pursued was (which is still continued in St. John's) to have a bill, containing every item of each day's consumption, made out, and left weekly at each man's rooms; not merely if asked for, but without exception; so that no one could avoid knowing his expenses. The model* of this bill I got from Balliol. I subjoin a copy of it, from which it is evident that, with a very slight addition, it would include every comfort, and even luxury, in the way of living that an Undergraduate could possibly require for himself or for his friends. Thus the adoption of it would render the payment of enormous prices to pastrycooks and others utterly inexcusable.

3. Dinners. 3. That the hall-dinner should be paid for at a certain rate per term by all alike. The hall-dinner at King's College, London, which is as good as the best provided for Undergraduates at Oxford, consisting of joints, pastry, cheese, bread, beer, and what are commonly called decrements (*qu.* decoraments), is charged 5*l.* 5*s.* for a term of more than 10 weeks. The charge at Oxford therefore would not be more than 4*l.* 4*s.* per term.

4. Rooms. 4. I venture to suggest the question whether the rooms might not be furnished well and completely by the College, and a rent charged for the use of furniture, including glass, china, &c. The debts into which Undergraduates are led by the growing taste for furniture and decorations, totally unsuitable, are ruinous. If it is thought that, owing to men of different ranks and habits of life repairing to the Universities, a uniform mode of furnishing would not be expedient; surely, even then, some rooms might be furnished more expensively than others, and charged for accordingly. The responsibility, then, of occupying more

* This Bill, for the sake of convenience, is transferred to Mr. Browne's Evidence under the head of the Evidence from St. John's College, Part IV., p. 341-345.

expensively-furnished rooms would rest with the parent or guardian, who would be then aware of the exact amount of the expense incurred. In fact, in all cases, one great point to aim at is, that parents should have an exact estimate of what the education of their sons costs. *Rev. R. W. Browne, M.A.*

But my firm opinion is that parents (and with their wishes the University has to do far more than with the wishes of their children) even of the highest ranks would gladly see comforts substituted for luxuries.

The rooms in King's College, London, are furnished plainly and comfortably, and those of the Theological Students, whose means are generally scantier than those of the others, are furnished even in a more economical style than the rest.

I am also of opinion, that expenses of this class would be much reduced by the rate of each Undergraduate's living being weekly known to the College authorities, the parents, and HIMSELF.

It is plain that measures similar to those above would tend somewhat to diminish the expenses of the second class above enumerated. But expensive personal habits in dress, horses, &c., are far more difficult to deal with, because they are often formed before the student enters the University, at school or at home, and means for indulging them are supplied in a profuse and extravagant degree from sources over which the University authorities have no control. Other expenses.

It is a well-known fact that boys at many of our great schools are permitted to form luxurious and expensive habits, and that in many cases the pocket-money with which they are furnished is so profuse that it is very difficult for University authorities to repress and remedy the habits thus formed.

Besides, the habits to which young men are accustomed at home render it difficult to fix any arbitrary standard of expenditure. That mode of living which would be unnecessary self-denial to the son of wealthy parents or to the heir of great property, might be extravagance in the son of a poor clergyman. Checks.

The only method of dealing with these difficulties appears to me to be :—

(1). A clear understanding between the authorities and parents as to what allowance their sons are to have, and urgent remonstrances against those allowances being too great. 1. Parents.

(2). The most stringent regulations respecting the delivery of tradesmen's bills within a certain period, and, if possible, stronger legal prohibitions against recovery of debts after the expiration of such period from persons *in statu pupillari*. 2. Regulations for Recovery of debts.

(3). Above all, a serious feeling of the responsibility of the tutorial office, shown by personal intercourse and friendly influence over the minds of the pupils, and a determination to gain their confidence. The more Tutors can live without stiffness with their pupils, the more influence will their mode of life (which is now universally moderate and frugal) exercise on the general tone of Undergraduate society. 3. Tutorial intercourse.

(4). I am not without hopes that, as idleness is one great temptation to extravagance, the introduction of a greater variety of subjects of study by the new Examination Statute may interest and occupy many who do not take sufficient interest in Classics and Mathematics, and thus produce an effect upon expenditure. 4. New Examination Statute.

Question 6.—(1). A sound collegiate system harmonizes well with the English character; it has, on the whole, worked well, and produces that *moral* effect which is the result of mutual and self-education, and which, notwithstanding the defects in our University system, is in almost all cases the residuum of a University education. In effecting, therefore, that most desirable object, the extension of the benefits of that education far more widely, I think regard should be had to the maintenance of a good collegiate system. While, therefore, I feel the necessity of permitting the establishment of new halls, as occasion may require, I would rather they were in connexion with Colleges than independent of them. Halls must generally be small societies, and the natural tendency in small societies is for their discipline to be laxer than that of large bodies. Their support depending on the number of their members is also a strong temptation to diminished strictness of discipline. It is a well-known fact, that the discipline of the existing Halls is far more lax than that of the Colleges. Besides, the establishing of Halls attached to Colleges, and presided over by one of the members of the College, would scarcely be an innovation. It would be but an extension of the College itself. The *esprit de corps* would be the same, the associations the same, and the system by which the College was governed would apply to the Hall. UNIVERSITY EXTENSION. Affiliated Halls.

If it be thought expedient to establish independent Halls, the University should itself lay down the internal regulations by which they are to be governed on those points which are now left by the University to the College authorities, viz., manner and expense of living, residence, lectures, terminal examinations, &c. In fact, very stringent means must be taken by the University to prevent Halls becoming refuges from the stricter discipline of the Colleges. Independent Halls.

(2). The difficulty of placing confidence in the reports of keepers of lodging-houses, and the inexpediency of subjecting students to the surveillance of such persons, seems to me to render it inexpedient to permit the residence of Undergraduates in the town, unless (as under the present circumstances) when of a certain standing.

I do not see why the admission of students of a more advanced age than is at present usual should be so much discouraged as is now the case; and should men of this class wish to take advantage of a University education, they might, as well as married men, be permitted to live in the town.

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Members of the University living at Home.

(3). I do not see why students should not be allowed to be members of the University without being members of Colleges, if residing in the house of a M.A. duly licensed by the University, and bound by certain fixed rules and regulations, or of a parent or guardian; for although I think the Collegiate system most valuable, still those who do not think so should not be debarred from the privileges of the University. Some parents think the union of public education in the hours of study, and the advantages of domestic society and the protection of the paternal home, the best kind of education; and the case in question would be analogous to that of parents who reside near our great public schools for the express purpose of maintaining home influences, at the same time that they profit by the advantages of great educational institutions.

Attendance of strangers on Professorial Lectures.

(4). Whilst I think discipline is necessary for those who are to go forth into the world stamped as members of the University, I do not see how there can possibly be an objection to persons of any rank or kind whatever attending the Professors' lectures, either gratis or on payment of a fee, and receiving a certificate of this matter of fact, or even of having passed an examination, if the Professor chooses to subject them to it, and they choose to submit to it.

It would be as unreasonable to forbid this as to forbid strangers from being present at the University sermon. The only security which the University need take from such residents would be a declaration of submission to the University regulations for maintaining the peace and public morals of the place, and of course for any breaches of order and decorum, they must be like matriculated students subject and responsible to the authorities of the University. At King's College, London, any person may enter for each Professor's lecture, as what is termed an occasional (*i. e.* non-matriculated) student, of whatever religious persuasion he may be, and no inconvenience has ever resulted from this practice, with reference to maintaining the discipline and moral condition of the College.

1. Examination at Matriculation.

Question 7. (1). As an examination at matriculation is required by most Colleges, it would in my opinion be beneficial that a uniform standard of qualification should be established, and I do not well see how this end could be attained, except by a University examination instead of a College one.

2. Duration of residence.

(2). If the provisions of the new examination statute are to be carried out, the present term of *residence,* namely, three years, does not appear too much, but I cannot see why the *studies* required for B.A. degree should be theoretically four years, and the residence reduced practically to three years by the contrivance of Grace Terms.

3. The higher Degrees.

(3). The time required for B.A. degree might perhaps be diminished, and the M.A. be made a real test of merit, by making the second examination under the new statute the test for the B.A., and the third examination for the M.A. degree. With respect to the higher degrees, I do not see my way clearly enough to offer an opinion; but I think if a test of acquirement be demanded, the fees at taking them should be lowered, and certainly the time should be diminished. The superior degrees at the University of London, in the Universities of Scotland, and in all foreign Universities, are granted at a far younger standing than at Oxford or Cambridge, in fact with them the Doctorate implies a standing scarcely so far advanced in point of time as an M.A. degree. Few men at the age now requisite for a D.D. degree, would submit to the annoyance of an examination. If they were men of *real* distinction, they might probably think themselves as competent to be examiners as to be examined; if they had arrived at such high positions as are popularly thought to require a D.D. degree, without possessing any literary qualifications or knowledge of divinity at all, they would not venture to be examined; and if a degree were in these cases conferred by diploma or any other method without examination, the degree would become almost a mockery.

4. Professional Study.

(4.) The degrees in Arts must be certificates of a general liberal education, not of one of a particular or professorial character. But there appears to me to be no reason why means of education should not be provided having reference to the student's future pursuits; in fact this would be the case if all possible efficiency were given to professional instruction.

Tutorial and Professorial System.

Question 8. It is totally impossible that College Tutors should lecture on every subject of the University course, Moral Philosophy, History, Criticism, Logic, Mathematics, &c., with the same efficiency as Professors who devote their whole time and attention to the study and investigation of one class of subjects. College Tutors may tell their pupils all that got them their own first or second classes; they can thus reproduce copies, some better and some worse, of their own minds, and they can prepare men to undergo an examination, but they cannot possibly give them such enlarged views, or keep them so on a par with the progress of modern discovery as professors can, simply because they have not so much time to pursue such a course of study and investigation themselves. The instruction of a University should not be confined to preparing men for examination; but a system of mere tutorial instruction has a tendency to degenerate into this.

By a professorial system, I of course mean not the mere delivery of oral lectures, but catechetical lectures also, occasional examinations by the Professor, the use of text-books, and above all strictness in requiring (as in the present tutorial system) a certain preparation for the lectures on the part of the students.

Appointment of Professors.

Convocation, the worst mode.

Question 9. With respect to the most eligible mode of appointing Professors, I do not feel competent to give any opinion further than that the worst mode would be by a body constituted as Convocation is. Where responsibility is so divided it is scarcely felt, and a sacred trust too often becomes a mere question of patronage, or of College or party feeling. I am not aware of the nature of the existing limitations or disqualifications upon the appointment of Professors, but I cannot conceive any to be expedient except the not being the most competent person who can be found for the office.

Question 10. I cannot refrain from stating it as my firm conviction, that if all foundations

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were perfectly open, such a state of things would be most advantageous to the interests of literature, of the University, of the Colleges, of the public, and even of the present privileged classes themselves. In proof of this it is sufficient to appeal to the condition of those Colleges which enjoy the privilege of open foundations. But cases in which it can be shown that good is being done by close foundations, may perhaps form strong exceptions.

RESTRICTIONS ON FELLOWSHIPS.

There is a great difference between fellowships and scholarships attached to eminent schools, which furnish an ample supply of competent candidates, and those attached to Grammar Schools now decayed, to counties, districts, towns, and families.

Connexion of St. John's and Merchant Taylors' School.

I refer here to the students of Christ Church, who are elected from Westminster, the fellows of New College from Winchester, and those of St. John's from Merchant Taylors' School. Of the University honours gained by the fellows of New College, and by the Westminster students of Christ Church, I have no means of forming an estimate, but if they can be shown to bear a fair proportion to the numbers elected, it will be plain that they answer their end in fostering men distinguished in the path of honour which the wisdom of the University has pointed out.

Of the fellows of St. John's who are elected from Merchant Taylors' School, I find (taking an average of some years past) that besides other University distinctions, about one-half have taken first and second classes, and nearly three-fourths have taken some University honour.

It is evident, therefore, that in the majority of instances (if we take the test of proficiency which the University has established), these Fellowships are filled by men whom the founder himself intended should enjoy them.

I find that scarcely any honours have been gained by those who from time to time have filled the other 13 Fellowships. I find, too, that candidates for these Fellowships are sometimes rejected for actual incompetency. I imagine, therefore, that it is equally evident that it would be better for the College, as well as the University, if such Fellowships as these were thrown open. One of the great evils of close Foundations is, that the stimulus to exertion which endowments furnish, is thus taken away or diminished. This evil might partially be remedied (1) by limiting the duration of Fellowships, as then they would not be looked upon as provisions for life, and (2) by raising the absolute qualification for election. But here there is often a difficulty. At St. John's, for instance, a candidate for a probationary fellowship of good character cannot be rejected if sufficiently instructed in Grammar to commence learning Logic, and when at the end of three years he is again examined for a full Fellowship, he can scarcely be refused, if able to do what the University requires as the test of fitness for a B.A. degree. The extension of powers to electors as to fixing the minimum qualification, would of itself be an improvement.

Alteration of Wills.

How far the wills of founders may be interfered with is of course a grave question, but wherever strict adherence to them evidently does not produce the good effects, which the founders themselves intended, scarcely a doubt can be entertained as to what ought to be done.

Magdalen College.

Instances might be given in which the letter of a Founder's will, has become in process of time, entirely at variance with its spirit and intention. For example, the Founder of Magdalen directs that certain Fellows and Demies should be elected from persons born in the City of London, meaning thereby to benefit the families of Tradesmen and Merchants, &c., residing therein. Now in the present day, scarcely any of this class of persons, which he intended to benefit, reside in the City, they now inhabit the suburbs, and are thus by statute excluded from the benefits which the Founder intended they should enjoy, and not only that, but from every Fellowship in his College, if they reside in Middlesex; because he imagined that County was provided for when he provided for the Londoners.

Limitation of tenure of Fellowships.

The limitation of the period of holding Fellowships appears to me most desirable; if they were held for a period not exceeding 12 years, the following good results would take place.

(1.) Fellows would look upon a Fellowship, not as a maintenance and provision for life without further exertion, but (as the best men do now,) as a valuable help at the outset of life, when in every vocation or profession, a man of slender means finds almost insuperable difficulties.

(2.) The assistance of Fellowships would be extended to a great many more persons than at present.

(3.) Those who received the College church-preferment, would receive it at a period of their lives when their habits would not be too much formed for a peculiar manner of living, and when they would be most fitted for discharging the duties of parochial Clergymen.

Exceptions might, perhaps, be made in the case of Fellows filling the office of College Tutors, although, in my own opinion, a man is better fitted for dealing with young men when he is himself young, and this advantage appears to me to counterbalance even the evil of frequently changing the Tutor of a College.

Limitation of Marriage.

To allow Fellows to marry would, as it appears to me, be most prejudicial. Married men have necessarily another sphere for their social sympathies, and cannot live with and mix amongst Undergraduates so much as ought to be the practice of College Tutors.

DISTINCTIONS OF WEALTH AND RANK. Grand Compounders.

Question 11. The additional fees exacted from Grand Compounders very often press with unjust severity. I know an instance of a young clergyman of very small means, whose preferment, although of little value, is rated so high in the King's books as to constitute him a Grand Compounder. The consequence is, that he is debarred entirely from taking his M.A. degree. Men, too, who have inherited a small patrimony are subject to these extra fees, when those who are heirs to vast properties are exempt. These are cases of absolute hardship, and prove that the practice is unfair. Nor do I see a single reason in favour of its maintenance. Whatever may be the value of a degree it is the same to a rich as to a poor man. In fact, this, like all fixed money payments, although suited, perhaps, to the times in which the regulation was instituted, is totally unfit for the present. Then a living valued at 10*l.* in the King's

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books was a good one; now this sum is scarcely a test of value; nay, in the case of Vicarages, I believe it would generally be a test of small value. With respect to private property, 300*l.* per annum then constituted a rich man, now it constitutes a poor one. Of course, nothing can be said in favour of keeping up the distinction of petty Compounders. Neither can I imagine any argument in favour of the distinction between Noblemen, Gentleman-Commoners, and Commoners; they are distinctions by no means of the same character as those social distinctions which exist in the world. The privilege of graduating earlier also appears to me inexpedient; if less time be sufficient for any student to prepare for a degree, all should have the advantage of this fact; if not, it is not probable that sons of Noblemen and Privy Councillors will prove exceptions. Some leading Colleges have already recognized the inexpediency of this distinction. Cases of actual hardship often arise from this distinction. In some Colleges I have heard that eldest sons are refused admission, except as Gentlemen Commoners, and thus are thrown, against the will of their parents, into society of expensive habits, and not devoted to study. The difference of Fees at Matriculation is peculiar to Oxford, and there can be no reason why it should be maintained there, when it is entirely unknown at the Sister University.

Noblemen and Gentleman-Commoners.

Matriculation Fees.

THE MEANS OF QUALIFYING STUDENTS FOR HOLY ORDERS IN OXFORD.

Question 12. The means of qualifying Students in Oxford for Holy Orders will depend upon the efficiency of the Theological Professors, and if the present staff is insufficient in point of numbers, the increase of it will of course form part of any scheme for the general encouragement of the Professorial System.

The principal reason why the majority of Students go elsewhere for Theological Instruction is, that few can support the expense of an Oxford residence beyond the period of a B.A. degree. They cannot exchange their Undergraduate mode of life for a less expensive one, while living in the same place and amongst the same associates; they therefore seek a new scene in which they begin a new and more frugal career, where all their companions are of somewhat the same rank, have the same object in life, and the same destination; just as all prudent men of the middle ranks and small means would when they left the University for the study of the law or any other profession. If by any statutary regulations a less expensive tone of Society could be introduced amongst the Undergraduates, Bachelors studying Divinity would be more likely to continue in residence, instead of seeking instruction at Theological Colleges.

INADEQUACY OF THE PRESENT MEANS OF INSTRUCTION.

Question 13. It is quite impossible to expect that any individual College and Hall could supply men qualified to teach all the subjects of study introduced by the New Examination Statute. If the whole University can produce a body of eminent Professors duly qualified for so important a task, it will well and amply discharge its duty. This is one strong reason why it is so important that the Professorial System should be combined with Tutorial.

PRIVATE TUITION.

Question 14. Under the existing system, in which each Public Tutor is discharging duties, which under a Professorial System would be divided amongst two or three Professors, it is almost impossible for the Tutor sufficiently to direct and superintend the private studies of his Pupils. Hence Private Tuition is almost a necessary evil; still it is an evil which has much increased of late years. Eighteen or twenty years ago it was customary to have a Private Mathematical Tutor, because there were only a few Tutors in the University then competent to give instruction, but many then who took the highest honours, had no private Classical Tutors. Now I believe private Tuition is universal. I speak of it as an evil for the following reasons:—

(1.) It is the private Tutor's business to take care that his Pupil pays attention to nothing but what will tell in the examination. This is, of course, destructive of comprehensive views, as well as of original and independent thought.

(2.) The Pupil learns to rely so completely upon his Tutor for the immediate solution of all his difficulties, that he is deprived of the opportunities of forming those invaluable habits of mind which result from struggling with difficulties unassisted, and pursuing for himself a course of patient investigation.

(3.) The most useful system of private Tuition is that which is carried on by the formation of small classes, numerous enough to elicit various views, and to leave room for some independent exertion on the part of the Pupils, and not too numerous to admit of personal superintendence on the part of the Tutors. By such a system students are encouraged not to look to their Tutors to suggest every subject for their consideration, or to give them only such information as he thinks fit, but to consult him in their difficulties.

If the Professors relieved the Tutors of the Public Lectures, the latter would be able to form classes of this kind in which to direct their Pupils in their studies, with reference to the Public Lectures, and this would probably, in great measure, supersede the necessity of private Tuition.

If students were thus relieved from the great additional expense of a Private Tutor, such Fees might fairly be demanded for attendance on Professors' Lectures as would afford them a remuneration for their arduous office. The effect (*intellectually*) produced on the Private Tutors themselves, by repeating the same lesson, as it were, year after year, and term after term, for eight or ten hours a-day, can well be imagined, but I fear many men, worthy of better things, are doomed to the same fate, who are engaged in the lower walks of the educational profession.

LIBRARIES.

Question 15. The regulations under which Books are allowed to be borrowed from the Public Library at Cambridge, appear to work well, and to give general satisfaction. Why should not rules somewhat similar, be adopted at Oxford? Probably Manuscripts, and such Books as are unable to be replaced, should not be lent, because it would be quite worth the while of those who wished to consult them to visit the Library for that purpose. It should also be enacted

that books lost or damaged should be replaced by the borrowers; but it would be far better that a few pounds worth of books should be lost or damaged every year, than that the Library should not be made as extensively useful as possible. *Rev. R. W. Browne, M.A.*

There are two other points not alluded to in the printed questions on which I feel very strongly.

(1.) The importance of abolishing *by law* all Oaths, except that of Allegiance and Supremacy (which from its solemn nature may be retained), and substituting Declarations in their place. The practice of taking Oaths to observe Statutes which, if read at all, are never read until after the Oath is taken, does much to lessen the awe and veneration with which so solemn an appeal ought to be regarded. The irreverence and injury to reasonable religious feeling, caused by taking unnecessary Oaths, has long ago been felt by serious persons, and recognized by many alterations in the law of the land. The explanations offered in defence of the practice by persons who conscientiously approve of College Oaths are beginning to be considered, if not evasive, at least the arguments *θεσὶν διαφυλαττόντων*. When Members of Colleges obey Statutes, their motives are not strengthened by the fact of their having sworn to do so; and when they disobey, I fear they never reflect that they are infringing their oath. All that is *necessary* is a declaration of willingness to submit to discipline and authority, and therefore this is all that ought to be required. Nothing more than this is demanded at King's College, London, and the maintenance of discipline is quite possible there. OATHS.

(2.) The inexpediency of subscription to Articles at Matriculation. Instructions in the Articles form part of the University course of Education. It is, therefore, evidently assumed that most Students at Matriculation do not understand them. The inconsistency of subscription to a formula, the meaning of which is not understood by the subscriber, is so universally admitted, that it has been urged in defence, that subscription to the 39 Articles at Matriculation only means, "a willing assent to be educated in the principles of the Church of England;" if so, why should not this very declaration be substituted? Regard to truth imperatively demands that when a pledge is required, there should not be the slightest room for misunderstanding the language in which it is expressed. In dealing with the young especially, care should be taken to avoid even the appearance of trifling with solemn things. Besides, subscription at Matriculation is not required at Cambridge, and I do not see why the practice in this matter should not be assimilated at both Universities. SUBSCRIPTION AT MATRICULATION.

R. W. BROWNE, M.A.

Answers from P. B. Duncan, Esq., M.A., Keeper of the Ashmolean Museum, late Fellow of New College. *P. B. Duncan, Esq., M.A.*

MY LORD AND GENTLEMEN OF THE OXFORD UNIVERSITY COMMISSION,

THERE is nothing in which I should feel more pride and delight in doing than in giving any useful information for the improvement of my beloved University, were it in my power to suggest anything worthy of your attention for its advantage.

Although I have ceased to be a Fellow of New College for some years, I have resided within its walls occasionally for above 60 years, and have had great satisfaction in witnessing many admirable improvements in discipline, morals, and education in the University. What more remains to be done is, I understand, the object of your present inquiry.

As to your 1st Question, respecting "the possibility of diminishing the ordinary Expenses of the University, &c." EXPENSES.

As to the present necessary College expenses of lodging, food, and tutors, I cannot think they can be much, if at all, reduced. The average rate of them might be published to show parents that the debts contracted in the Universities were not imputable to collegiate charges.

It is almost impossible to conceive a plan for checking extravagant habits and incurring debts that cannot be evaded, and that has not been often considered and been attempted to be carried into effect in vain. If Oxford tradesmen do not run the risk of future payment London tradesmen will.

As to the 6th Question: "The means of extending the benefits of the University to a larger number of Students." I think this may be done more effectively and consistently (with the present system of University discipline) by establishing new Halls, than by permitting Undergraduates to lodge in private houses, or by any of the other expedients submitted to consideration. UNIVERSITY EXTENSION.

As to the 7th Question: "The expediency of an Examination previous to Matriculation, &c.," as operating on the more attentive preparation of scholars to be admitted into our Universities. I should think it very recommendable, and I take the liberty of suggesting that this examination should be made as to some branches of knowledge, which, as they are supposed to have been taught at schools, are not thought necessary to be inquired of, or to be the subjects of instruction in Colleges, such as good hand-writing, the elements of arithmetic, and distinct propriety of reading and geography, as well as a sufficiency of classical learning. EXAMINATION AT MATRICULATION.

P. B. Duncan, Esq., M.A.

PROFESSIONAL STUDIES.

As to "regulating the Studies of the Universities, so as to render them at some period of the course more directly subservient to the future pursuits of the Student," and as to the expediency of combining the Professorial with the Tutorial system, I cannot conceive how this can be well done consistently with our present system of examination, unless a *bonâ fide* residence of four years was required, with shorter vacations, the fourth or last year being dedicated to the elements of scientific and professional studies, as in the United States of America, with certificates of attendance and examinations by each professor.

English Composition and Elocution.

The general complaints I hear against our Universities, after the great complaint which touches on that most sensitive part of parents, their pockets, are the great deficiencies in our students, of good *reading*, correct writing of their own language, and capability of delivering their sentiments in public, so well as many of our common artisans and tradesmen, as manifested in the pulpit, in the parliament, at the bar, and in common assemblies on public occasions. Our Greek and Latin, the great passports of gentility, not being producible, cannot be tested, and the good fruits of them not being apparent are thought not to exist. It is, therefore, very desirable that some knowledge, bearing on the purposes of life, should be communicated, which may be gradually developed elsewhere, and made subservient to professional occupations. I am far from undervaluing classical studies, to which I owe my original connexion with the University, and many of the best hours of intellectual instruction and gratification I have enjoyed, but think they should be accompanied with other branches of useful education.

RESTRICTIONS ON FELLOWSHIPS.

As to the 10th Clause, I cannot think that any adequate public benefit would arise from an alteration of the present system of election to Fellowships.

GENTLEMAN-COMMONERS.

Regarding the 11th Clause, the abolition of the rank of Gentlemen-Commoners, as distinguished from that of Commoners, I conceive might be attended with a very good economical effect as to the expenses of both.

PRIVATE TUITION.

14th Clause. The system of private tuition seems to imply the necessity of more tutors in each College, or more attention to their pupils by those at present appointed to that office. I think it must be often the effect of the former.

With sincere wishes for the success of any improvements you can make in the management of the University,

I am yours respectfully,
P. B. DUNCAN.

H. H. Wilson, Esq., M.A.

Answers from H. H. Wilson, Esq., M.A., Boden Professor of Sanscrit.

SIR,

I HAVE the honour to acknowledge the receipt of your circular letter of the 18th instant, communicating to me the request of Her Majesty's Commissioners that I would furnish them with such views as I might conceive likely to promote the objects of the Commission, and directing my attention to various subjects of inquiry relating to the University in general, and to my own department in particular.

With respect to the first, I beg to state that my position in the University has such slender connexion with its general management, or with the conduct of its constituent establishments, that I have little or no experience with respect to them on which to found any opinions worthy of consideration. The Commission will, therefore, excuse my declining to reply in detail to the first series of interrogations, and will, I hope, be satisfied with my noticing only those of which the subject matter has come under my observation:—

EXPENSES.

1. If by *ordinary expenses* be meant the customary charges for tuition, board, and lodging, I do not conceive that any material diminution can be effected, as it appears to me that they are exceedingly moderate. Some retrenchments might be made perhaps in the unauthorized charges for attendance, and the fees and perquisites claimed by College servants; but the chief source of expense, the extravagance of the young men themselves in matters wholly unconnected with their collegiate career, cannot be suppressed by any sumptuary regulations. The remedy of this evil, as far as it is remediable, lies more with parents and guardians than with College authorities.

DISCIPLINE.

2. As far as the public is concerned, whether in the town or within the precincts of the Colleges, the maintenance of order and decorum is most successful. The discipline of many establishments of very inferior extent and importance is much less effectually enforced.

PRIVATE LODGINGS.

6. Permission to occupy private lodgings more generally than at present, on first joining the University, would no doubt increase considerably the number of students, and although it might render it more difficult to keep up the present discipline, yet this might not be impossible, as long as the young men were members of a recognized society, of a College or Hall; but I think it would be impossible, if students were allowed to become members of the University, without such a connexion being insisted on, as suggested under this query (Cl. 3).

PROFESSORIAL SYSTEM.

8. The expediency here suggested may be readily admitted; the first has been in part provided for by the present statutes, and can only be accomplished by the system of examinations and necessity of certified attainments in such extra-collegiate branches of instruction as are taught in the University by Professors. To render the lectures more available, as far as the abolition of existing fees; to increase the number and endowments of Professorships, and to provide retiring pensions for Professors, may be very desirable, but their being effected

depends upon the adequacy of funds, which there is little prospect, I apprehend, of being able to raise. *H. H. Wilson, Esq., M.A.*

9, 10. Whatever may be the effect of existing limitations, regarding Professorships and Fellowships, they cannot in justice be interfered with, except by an authority recognized by the original endowment; and if, in some cases, they prove inconvenient, yet the effect of being able to impose restrictions is not unlikely to be the multiplication of endowments. Many persons influenced not unnaturally by local affections will appropriate funds to the benefit of a town or county which they would withhold altogether from a more general and comprehensive appropriation. It may hereafter be a question whether the University should accept an endowment shackled by such limitations, but once accepted the conditions should be observed, or benefactors will become rarer than ever. Restrictions on Fellowships.

14. Private combined with public tuition appears to me to be indispensable for the perfection of education in any branch of letters or science. It is impossible that a Professor or a Tutor of a College, who teaches in classes, should give to each individual the time and instruction he especially requires, or even be aware of the nature and extent of the assistance which each of his pupils stands most in need of. It is in the immediate and intimate intercourse with a single student that the amount of his deficiencies, and the best means of supplying them, can alone be correctly appreciated, and the best methods be applied. Unless the students could be apportioned among the College tutors, in classes of three or four at most, which is not possible, the supplementary accession of private instruction must always be of use. Private Tuition.

15. It might possibly add to the usefulness of Bodley's Library, if, in particular cases, the books were permitted to be borrowed; but this should be done with great caution, and restricted to books of least rarity and value, and they should always be within reach, for however inconvenient it may sometimes prove to be unable to take away a volume from the library, yet, on the other hand, it is of the utmost importance that persons coming from a distance, perhaps from abroad, should be sure of finding at hand the works they come to consult. The lending plan is not without serious disadvantages, without taking into account the risk, to a given extent indeed, the certainty of loss. Bodley's Library.

16. I see no objection to the submission of the University accounts periodically to convocation, although I doubt if any real benefit would result from the practice. University Accounts.

In reply to the questions which the Commissioners have put regarding the Professorship of Sanscrit, I may state that the circumstances of the endowment, and the statutes by which the appointment is regulated, were determined by the University Board, in communication with the Court of Chancery, and confirmed by convocation. They are, therefore, sufficiently notorious, and are to be found in the Oxford Calendars of various periods, but I have no objection to obviate the necessity of further reference by here repeating them :— Sanscrit Professorship and Scholarships.

(1.) The endowment consists of a fixed amount of bank stock, from the interest of which the salaries of two scholars and a Professor are defrayed. The former are 50*l.* a-year each for four years. The latter, which is for life, was expected to reach eventually to 1,000*l.* a-year, to which sum it was limited, but it has never approached that amount, and is actually but 850*l.* per annum. However liberal this may be, I should have hesitated to accept anything less than the sum originally proposed, as I had to relinquish appointments in India of four times the value. No other sources of income are attached to the Professorship. 1. Endowment.

(2.) Knowledge of the language, being a matriculated member of some College or Hall, and of the Church of England. 2. Qualification.

(3.) No residence is provided, nor is there any collection of books or manuscripts. The Bodleian contains a good collection of Sanscrit manuscripts, the greater part originally in my possession, and transferred to the University, with the condition that the Sanscrit Professor, for the time being, should be allowed to take home any he might require to use. There is no lecture-room, and although the room at the Clarendon is available, yet its use is sometimes inconvenient, being interfered with by other lectures. A public lecture-room, however, is not much needed for classes of so limited a number as the Sanscrit classes must always be. 3. No residence or lecture-room provided.

(4.) The statutes impose no duty that may not be reasonably required, although they are more stringent than is usually the case in similar endowments. 4. Statutable requirements.

(5.) The Professor is appointed by convocation; he is removable in the event of his non-compliance with the conditions of his appointment, for neglect of duty and immoral conduct. 5. Appointment.

(6.) The statutory number of lectures to be given in a year is 42, 16 in each of the longer terms, 5 in each of the shorter. I have kept a register of my lectures since 1836, and find the average annual number that I have given amounts to 98. The same voucher shows that the average annual number of students has been 10. They pay no fees, nor any charge whatever. 6. Lectures and fees.

(7.) The general condition of the study of Sanscrit in the University is quite as flourishing as could in reason be expected. Study for its own sake, prompted by a disinterested love of intellectual labour, and looking for no other rewards than accumulated knowledge and gratified curiosity, would be a strange thing in these times, and would be more likely to incur ridicule than respect in this country. It would be preposterous, therefore, to propose popularity for the study of a branch of literature which is not calculated to lead either to private emolument or public distinction; and I think it very creditable to the members of the University that, in addition to those whom the Scholarships attract to my lectures, so many should have been induced to make themselves, more or less, acquainted with the language from purely literary motives. I do not think that any material advancement of the study, beyond the point it has attained, can be anticipated. Two more Scholarships will, in the course of time, be at the disposal of the University, and they will bring some addition to our strength, but, in general, I do not think the study owes its best advancement, or most beneficial application, to pupils of the description to which the limit of age, 24 years, usually confines the Scholarships. It 7. Study of Sanscrit at Oxford.

H. H. Wilson, Esq., M.A.

Suggested alteration of Sanscrit Scholarships.

might, perhaps, be advisable to affix no limit of age, but to leave the Scholarships open to members of the University whatever their age or standing. The salary might sometimes be such an assistance to the means of Bachelors or Masters as to enable them to protract their residence in the University for the purpose of pursuing extra-collegiate studies. It would also, no doubt, afford some encouragement to the study if it were made a subject of public examination under the system now adopted, and if meritorious proficiency entitled the student to certified distinction. Whatever is taught publicly in the University should, I think, be publicly tested.

I have the honour to be, Sir,
Your obedient servant,
H. H. WILSON,
Boden Professor of Sanscrit,
University of Oxford.

Robert Lowe, Esq., M.A.

Answers from Robert Lowe, Esq., M.A., Barrister-at-Law, late Fellow of Magdalene College.

SIR, 2, PAPER BUILDINGS, INNER TEMPLE,

I HAVE thrown together the results of my own experience (which you are aware has been as a private Tutor pretty extensive), in the form of a letter, finding it easier to explain myself so than to answer questions, and availing myself of the permission given to take that course.

My observation has been that Undergraduates seldom read but for examinations, and seldom attend to instruction except from a private Tutor, whom they select and pay themselves. I do not think that you can alter this state of things, and the next best thing to be done is to direct and modify it so as to cure the defects and increase the efficiency of the system. As long as a degree at Oxford and a place in the class list shall be looked on as an important step in life, and as long as private tuition shall be looked upon as the readiest way to attain these objects, the one will be the end to which study is directed, the other the means resorted to for its attainment. It is only when students are too poor to afford this assistance that it will be foregone, and even then I have known very great sacrifices made to attain it, and that by persons whose College Tutors were men of unquestioned attainments and ability.

COLLEGE TUITION. I entertain the strongest objections to the present tutorial system. It is a monopoly of education given to the Colleges at the expense of the efficiency of the University, and has very often been grossly abused by the appointment of incompetent persons. The Tutor has no stimulus to exertion beyond his own conscience; let his success be ever so brilliant, the termination of his career is not likely to be affected by it. The expected living drops at last, and idle or diligent, learned or ignorant, he quits his College and is heard of no more. The plan also of teaching in large lectures, while it gives but little instruction to the less advanced, is inexpressibly tedious and disgusting to the more forward student. I never shall forget the distaste with which, coming from the top of a public School, I commenced construing, chapter by chapter, the 21st book of Livy. This has a bad effect on the mind. A boy (for he is nothing more) finds the requisitions of College incomparably easier than those of school; he becomes arrogant and conceited; the tutorial system has not only taught him nothing, but has actually given him no idea of the course of study required for a high degree, and in the plenitude of ignorance and self-sufficiency he wastes, at least, one most valuable year in idleness, if not in dissipation. The instances in which the tutorial system has worked really well are when the Tutorship of a College has fallen into the hands of some celebrated private Tutor,—a success which affords an indirect homage to the superior system of private tuition. I am, therefore, opposed to the continuance in any shape of the present College tutorial system.

PRIVATE TUITION. Of the system of private tuition the advantages are manifest. The power of selection has great efficacy in attaching the pupil to the Tutor, and I can speak from experience that the tendency is strong to overrate the abilities and industry of a private Tutor, a leaning which I have never observed in the case of public tuition. The unfettered intercourse,—the power of stating a difficulty without incurring ridicule,—the greater equality of age and position,—all tend to give the system efficiency, and whether desirable or no, I am convinced that it will be the working system of the University. The Dean of Christchurch issued an order that no man of his College should read with a Tutor of another College. I do not think the order an unreasonable one, and I doubt not that Christchurch contained plenty of competent persons; but I know that all the time one-half of my pupils came from Christchurch. The system of private tuition is a necessary and unavoidable concomitant to any examination. No sooner were examinations established for the masters and mates of merchant ships, than there arose a class of men whose business was to *cram* the Candidates.

Evils of it. The system of private tuition has, however, many defects. The persons into whose hands it principally falls are young men of unformed character, knowing little of the world, or probably of anything except the course of study by which they have gained distinction. They have nevertheless very great influence over their pupils, and are from their youth, their sincerity, and their earnestness, the most dangerous missionaries of whatever opinions they take up. They are the persons who are really forming the minds of the Undergraduates before they have formed their own. The University knows nothing of them except their names in the Class list; in their Colleges they have no status, and it is quite optional with them whether they enter into the Society there or no. Everything is entrusted to them, and no caution whatever is taken for the execution of the trust. As regards the private Tutors themselves, I cannot but think it

bad for them that the moment they have taken their Degree, they should be considered as at once elevated to the highest intellectual eminence, and spend their whole time in teaching that which they have but just and barely learnt. The tendency to narrow the mind and generate habits of self-conceit is obvious. It also stands seriously in the way of their acquiring much useful knowledge; though I think this in some degree compensated by the ardent desire to learn, which the habit of teaching is almost sure to produce. Young men are often at this time pressed by College debts, or otherwise in narrow circumstances, and the temptation is irresistible to labour to any extent so as to avoid these embarrassments. I have myself taken ten successive Pupils in ten successive hours, term after term,—a task neither fitting for the Tutor nor just to the Pupil. *Robert Lowe, Esq., M.A.*

The result of this is, that I think the system of private tuition ought to obtain a recognized place in the institutions of the University, of which it is the mainspring,—that it ought to replace the inefficient system of public tuition,—that the Collegial monopoly ought to be abolished, and a free choice of a Tutor left to the Undergraduates individually. I think that the University ought to have some power over the tutorial class, so as to insure as far as possible their moral and religious fitness for the trust which they are to execute; their intellectual fitness I would leave to be ascertained, as hitherto, by the unerring test of competition. I think the number of hours ought to be limited, as well as that of Pupils, to be taken by those who are still in statu pupillari; after that I would not attempt any such limitation. Those who were unable to pay the amount required for an hour a-day, might easily combine so as to reduce it to a sum which they could afford. I think also the absence of pupils from lecture ought to be made known to those to whose care they are entrusted in matters of discipline. To make such a system work well, the number of examinations must be increased, so that the student should never feel himself free from this stimulus; and I cannot help thinking that with such superior provision for instruction, a little more might be required than the very moderate quantum which now forms the standard of the University. Proposed recognition of it.

Of the Professorial system, I cannot speak from experience, as during my residence in the University it was almost totally in abeyance. I have no very great hopes that it will be of much service as a means of Undergraduate education; the only chance will be to make it subservient to the examinations, which would materially detract from its dignity and general utility. University success is in my experience rather the reward of memory than of mind, and is more likely to be secured by fixing facts and doctrines firmly in the memory, than by drawing from them remote and subtle inferences, or by establishing between them refined and logical distinctions. But the benefits of the Professorial system to those who, after having passed their examinations, are commencing the task which every intellectual person must achieve for himself of self-education, and for those who resort to our Universities without the purpose of taking degrees, cannot be overrated. The Professorships are the natural and appropriate reward of those who have distinguished themselves as Tutors and Examiners, and their multiplication and efficiency would tend above all things to raise the character and promote the efficiency of the University. There is nothing more hopeless than the career of a private Tutor at present. He has nothing to look forward to from his occupation but endless labour, leading to no result, and with much more labour and higher acquirements is not so well paid as a country schoolmaster. Professorial System.

Professorships the natural rewards of Tutors.

I have always looked upon the Colleges as clogs to the efficiency of the University, whose benefits they contract within their own limited circle. Without offering any opinion upon their internal reform, I think that the most efficient reformation would be a reformation by competition from without. I am, therefore, clearly of opinion that it ought to be the privilege of every Master of Arts of good character, who is so minded, to open a Hall in connexion with the University, subject to such general rules as may be laid down for the government of such institutions by the University authorities. I would leave it to him to provide the buildings and accommodation for the students, and I would trust to competition to lower the expenses of living to the proper point. I am not in favour of allowing very young men to attend lectures, or belong to the University, without being attached to some College or Hall, from an apprehension that it would be found impossible to subject them to efficient coercion. My view is, that the University ought to be thrown open as wide as is consistent with the due maintenance of academic discipline. Independent Halls.

I regret to see that Sanscrit, for the study of which the bequest of Colonel Boden offers such liberal encouragement, has not been included among the subjects for a proficiency in which honours can be conferred. I must also, as a sincere well-wisher to the University, express my hope that the Physical Sciences will be brought much more prominently forward in the scheme of University education. I have seen in Australia, Oxford men placed in positions in which they had reason bitterly to regret that their costly education, while making them intimately acquainted with remote events and distant nations, had left them in utter ignorance of the laws of Nature, and placed them under immense disadvantages in that struggle with her which they had to maintain. With these remarks, Study of Sanscrit and of Physical Sciences.

I am, Sir,

Your obedient servant,

ROBERT LOWE.

Charles Daubeny, Esq., D.M.

* *Answers from Charles Daubeny, D.M., Professor of Chemistry and of Botany in the University of Oxford, and Fellow of Magdalen College.*

SIR, BOTANIC GARDEN, OXFORD.

IN noticing the questions submitted to me by Her Majesty's Commissioners for the University of Oxford, I ought in the first instance to state, that as the scientific pursuits connected with appointments I hold in the University have at all times engrossed the chief part of my attention, the opinions I may have formed on many of the points referred to, cannot be regarded as deserving the same weight which would attach to those of persons actively engaged in the management and discipline of the University generally, or of their respective Colleges. It is, therefore, with great diffidence, that I reply to the first portion of the questions addressed to me by the Commissioners, having relation to the State, Discipline, Studies, and Revenues of the University at large, and offer the following remarks on those points connected with the subject upon which I feel myself at all competent to supply useful suggestions.

EXPENSES.

1. The possibility of diminishing the ordinary expenses of a Universty education, and of restraining extravagant habits.

The problem here proposed, is indeed one of much difficulty, the main cause of the extravagance too often indulged in by Junior Members of the University, being the example set them by a comparatively small number of young men of fortune, who continue at Oxford the same luxurious and expensive mode of living which they see practised at home.

Enforcement of Study.

It would doubtless neither be just nor expedient to exclude from the advantages of an Academical education, persons of any grade of society capable of profiting by it, but on the other hand it cannot but be prejudicial to the interests of learning, to admit persons, whatever their rank may be, who are so deficient, either in education, or in abilities, as to be unable to avail themselves of the means of instruction which the University affords, and who, therefore, resort to it with other objects than those of study.

I would, therefore, propose to render it obligatory on every College and Hall to dismiss, at the expiration of a certain number of Terms, those of their Undergraduate Members, who shall not be found to have passed their Responsions, unless they can show that they have attended, during the whole period of their residence, some of the Professorial Lectures.

Law on recovery of Debt.

The only other suggestion I can offer with the view of lessening expense, would be to procure the passing of a law, by which no tradesmen should be able to recover a debt from an Undergraduate under the age of 23, except for what are regarded as necessaries with reference to his rank and station; it being notorious that a large proportion of the Students of this University do not at present obtain their Degree of B.A. before the age of two or three and twenty, and that the debts contracted by them are most frequently incurred during the latter period of their residence.

2. The sufficiency of the powers which the authorities possess to enforce discipline.

Without professing to be very familiar with the regulations for enforcing discipline in Oxford, I may state my belief, that the existing powers, if duly put into execution, would be found sufficient for the purpose.

APPOINTMENT OF THE VICE-CHANCELLOR AND PROCTORS.

4. The mode of appointing the Vice-Chancellor and Proctors.

I see nothing to which to object, in either instance, with regard to the mode of appointing these officers.

It seems natural and proper, that the Chancellor should have the right of appointing his own Deputy; nor do I think, that either in his case, or in that of the Proctors, any practical evil has been found to result from the present custom of accepting under ordinary circumstances the senior candidate who offers, instead of resorting to an election from the whole number of persons eligible.

Those evils of a frequently recurring popular election, which were experienced so sensibly in the case of the Proctorship, as to have led to the substitution of the present mode of appointment, for that which was formerly adopted, would reappear in an aggravated form, if the Vice-Chancellor were selected by vote of Convocation from the general body of heads of houses; as every one acquainted with the presesnt state and temper of the University must be fully aware.

Powers of the Proctors too ample.

Nevertheless, inasmuch as the Proctors are at present nominated by their respective Colleges in rotation from their own members exclusively, it would seem undesirable, that these Officers should retain those same ample privileges, with which they were invested, when, being chosen out of the general body of the University, they were sure of possessing the confidence, and of speaking the sentiments of, at least, the majority of the electors.

Veto of Proctors.

In two recent instances, the extraordinary power possessed by the Proctors of nullifying the proceedings of Convocation, by interposing their joint veto to its decisions, has been put forth by them in direct opposition to the sense of the majority, instead of being exercised, as was intended, in vindication of the rights of that body.

UNIVERSITY EXTENSION.

6. The means of extending the benefits of the University to a larger number of Students,—

(1.) By the establishment of new Halls, whether as independent societies, or in connexion with Colleges.

(2.) By permitting Undergraduates to lodge in private houses more generally than at present.

(3.) By allowing Students to become Members of the University, and to be educated in Oxford, under the superintendence, but without subjecting them to the expenses incident to connexion with a College or Hall.

(4.) By admitting persons to Professorial Lectures, and authorizing the Professors to grant certificates of attendance, without requiring any further connexion with the University.

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* For Dr. Daubeny's Professorial Evidence, see Part II., p. 267.

Charles Daubeny, Esq., D.M.

I ought not to reply to this question, without correcting, in the first instance, two errors, which seem to be implied by the heads 3 and 4, included under it.

It there seems to be assumed, first, that the connexion with a College or Hall is necessarily a source of expense to a Student; and secondly, that no person can attend the Professorial Lectures, without being a Member of the University.

Neither of these propositions can be admitted as correct.

A connexion with a College limits the necessary expenses of a student within a smaller sum than would otherwise be the case; and most of the public lectures are perfectly open to every townsman or stranger, on the same terms as those on which Members of the University themselves attend them.

Doubtless, however, it would be desirable to admit a larger number of Students than can be at present received under the actual regulations, and with this intent I should, under existing circumstances, wish to see removed the regulation enforced on Undergraduates, of residing for the first three years within the walls of some College or Hall, not disputing the desirableness that all who apply for admission to the University, should be so accommodated, but at the same time, conceiving it better, that such as cannot, should nevertheless receive the benefits of an academical education, even under these circumstances, rather than be excluded from them altogether.

New Halls in connexion with Colleges.

This choice of difficulties might, however, be removed, if a sufficient number of new Halls were to be established in connexion with one or other of the Colleges; and, if I am inclined to look favourably on such a measure, it is rather with the view of increasing the University, so as to meet the increase of population, than under an expectation that the expenses in these establishments would be reduced below those of a well-conducted College, where the existing endowments would seem to afford better means of economising the necessary expenses of their inmates, than would be possessed in an unendowed Hall.

7. The expediency of an examination previous to matriculation; of diminishing the length of time required for the first Degree; of rendering the higher Degrees real tests of merit; of so regulating the studies of the University, as to render them at some period of the course more directly subservient to the future pursuits of the Student.

Matriculation Examination.

I strongly recommend, that the University should impose a preliminary examination upon all candidates for matriculation. I can conceive nothing better calculated to improve the preparatory schools, to raise the general standard of education in the University, and to amend the tone and morals of the place; as it would prevent those young men from gaining admission, who, not being themselves fitted for the appropriate pursuits of the place, interfere by their presence and example with the studies of those who are.

Professional Studies.

On the other hand, I should not think it desirable to shorten the length of time required for the first Degree, nor does it appear to me expedient that the studies directly subservient to the future profession of the Student should commence before he has attained it.

Higher Degrees.

How far it would be practicable to render the Degrees in Divinity real tests of merit I am unable to say, but the Faculty of Law at least might be placed with advantage on the same footing as that of Medicine, in which the Degree of Bachelor has for some years past only been conferred after a strict examination.

With regard to the Degree of M.A., I see great difficulties in rendering it anything more than a Certificate of a certain Academical standing, as it is at present; but I conceive that some addition to the amount of residence now exacted would be advisable, with the view of securing an attendance on certain of the Courses of Professorial Lectures.

8. The expediency of combining the Professorial with the Tutorial system; of rendering the Professorial foundations more available for the instruction of Undergraduates generally; of increasing the number and endowments of Professorships; of providing retiring pensions for Professors.

Professorial System.

Undoubtedly if the system which has recently obtained the sanction of the University is to be carried out, arrangements must be made in the respective Colleges for giving catechetical lectures on the subjects treated of by the Professors.

It never can be expected that a mere attendance on the Professorial Lectures will qualify the Student, generally speaking, to gain distinctions in the newly-created Schools, or even to pass a common examination in any one of them.

Much likewise is required for rendering the Professorial Foundations more available for the instruction of Undergraduates generally.

Present defects.

Amongst the first requisites are new Lecture-rooms, Apartments for Apparatus and illustrative Specimens, an Observatory under the superintendence of the Professor of Astronomy, in which Pupils might learn the use of the Instruments, and a Laboratory, where they might be instructed in the Manipulations of Chemistry. Nor can it be doubted that the University would be a gainer in reputation and efficiency, were each Professor allowed such a competency as should enable and justify the University in requiring him to devote his whole time to the duties of his office, instead of seeking to supply the deficiency of means by other occupations.

9. The most eligible mode of appointing Professors, and the effect of existing limitations or disqualifications upon the appointment of Professors.

Restrictions on Professorships.

It strikes me that the limitation of certain of the Professorships connected with Physical Science to the Members of the Medical Profession, as, owing to the regulations of the Foundation, has been the case with that of Botany, and as it would seem with that of Chemistry, by custom (since there has hitherto been no instance of any other than a Medical Graduate occupying that Chair), is injudicious, especially considering the smallness of the irrespective endowments.

Charles Daubeny, Esq., D.M.

On Professorships of Physical Science.

The number of Physicians educated at Oxford is never large, and amongst them few comparatively entertain that strong predilection for science, which should induce them to forego for its sake their prospects of Professional emolument.

Hence it so often happens that these Chairs are held by persons actively engaged in Medical Practice.

It would seem, therefore, preferable that all the Professorships, excepting those of Law, Medicine, and Divinity, should be thrown open generally to Graduates; and even that in the event of no fit candidate presenting himself, persons not connected with the University should be invited to stand.

On the appointment of the Keeper of the Ashmolean Museum.

It may not be irrevelant here to allude to the Keepership of the Ashmolean Museum, as an illustration of the evils arising from the injudicious limitation of the terms of admission to a small number of persons.

By a lucky accident indeed the office has of late been filled successively by two members of the same family, who have deserved the warmest praise for their exertions and liberality in the cause of Natural History.

But previously to their appointment the Museum had fallen into great neglect, and even many of its valuable contents, placed there more than a century before, had perished through ignorance and want of care.

That this should be the case will not be a matter of surprise, when it is considered that the Curator of the Museum, in order to be entitled to receive the only salary attached to the office, namely, that bequeathed by Dr. Rawlinson, must neither be a clergyman, nor a married man; must possess no higher Degree than that of M.A. or B.C.L.; must not be a Fellow of the Royal Society, nor yet one of the Society of Antiquaries!

Accordingly all those Members of the University who come under any of the above categories are at present virtually excluded.

Suggestions for their removal.

I hope it will not be impertinent for me here to suggest, that in this instance these injurious restrictions might be removed without injustice or loss to any one, if the Society of St. John's College, whose funds are charged with the payment of the above legacy, would let it be understood, that in future they would be willing to endow the Curatorship to the same amount as that which Dr. Rawlinson's Will prescribes, provided the individual appointed by the University, although not able to claim the salary under the conditions of the Will, was one whom they, in consideration of his character and attainments, shall approve.

If something of this kind is not done, it may be feared that the Museum may hereafter relapse into the same condition from which it has been rescued by the public spirit of the present and the late Curator.

11. The propriety of abolishing the distinctions between Compounders and ordinary Graduates; between Noblemen, Gentleman-Commoners, and other Students; and also the distinctions made with respect to Parentage at Matriculation.

Gentleman-Commoners.

The only one of the changes here alluded to which I consider important would be the abolition of the name and privileges of Gentleman-Commoners, which exert, as I conceive, a very injurious influence upon the young men who assume them, as well as upon the University generally, as this class may be regarded, taken collectively, the worst educated portion of the Undergraduates, and at the same time the one least inclined for study.

If the qualification were even that of rank or station something might be said in its defence, but it is notoriously only that of wealth; and if it be alleged in its behalf, that its existence tends to set up a wholesome line of separation between those who can afford to indulge in expensive luxuries and those who cannot, and thus to diminish the chance of rivalry between the two, with respect to their habits of living; it may be replied, that in the larger and more aristocratical Colleges it fails in effecting this, now that so many wealthy parents are wise enough to enrol their sons in them merely as Commoners, whilst it might be expected that if the Class of Gentleman-Commoners were abolished, there would be then no inducement for men of fortune to resort elsewhere, excepting it were to secure the advantages of superior tuition or more careful discipline; and hence that the remaining Societies would either consist wholly of youths of moderate means, or that, if they contained an intermixture of young men of wealth, the latter would consist of such as were studious in their habits and disinclined to extravagance.

Hence in the University generally a much more effectual line of separation would be set up between that class of young men who commonly enter as Gentleman-Commoners and the rest than exists at present, as the two would be placed for the most part in different Colleges, instead of occupying different grades in the same.

13. The capability of Colleges and Halls, as at present constituted, to furnish adequate instruction in the subjects now studied, and in those introduced by the recent Examination Statute.

I see no reason to doubt that in all the larger Colleges persons can, or at least will shortly be found competent to aid the Professors in providing adequate instruction on all the subjects embraced within our present scheme of study.

Adequacy of the present means of Instruction.

With regard to the smaller Colleges and Halls, it may perhaps be found necessary that two or more should unite together in engaging a tutor for some of the subjects of recent introduction, who should catechise the members of their respective Societies in them conjointly.

15. The means of rendering Bodley's Library more generally useful than at present.

Bodley's Library.

Judging from such experience as I possess of other libraries abroad or in this country, I should infer that greater facilities are afforded at the Bodleian for those who consult it than exist in most establishments of a similar description.

Charles Daubeny, Esq., D.M.

The only improvement in its arrangements that occurs to me is the establishment of a reading-room in connexion with, but detached from, the Library, which should be open during certain hours of the evening.

Reading-room.

To this I should propose that books consulted in the morning might, at the wish of the Student, be transferred, with the view of accommodating persons whose engagements give them little time to frequent the Library by day, and also those whose literary labours are of a nature to require the devotion of more hours of the day than those during which the Library itself is open to the public.

This arrangement would indeed involve the necessity of an additional sub-librarian, but the accommodation afforded would more than compensate for that expense.

The reading-room itself might serve as an Auctarium to the Library.

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*Evidence of N. W. Senior, Esq., M.A., Professor of Political Economy, and late Fellow of Magdalen College, Oxford.**

N. W. Senior, Esq., M.A.

I believe you were one of the gentlemen who some time back waited upon Lord John Russell to pray for the issuing of a University Commission. What were the objects for which you took that step?

Need of a Commission of Inquiry.

I thought then, and I think now, that many important alterations ought to be made which require the assistance of Parliament, and that Parliament would require information, which the Commission could best elicit, in order to justify and guide Parliamentary interference.

Removal of restrictions on Election to Fellowships.

The most obvious subject of Parliamentary interference is the throwing open of close foundations. Even supposing that we are now bound in any respect by the wishes of founders, we cannot be bound to obey their wills when formed under circumstances which have since changed. When William of Waynflete directed that three of his fellows should be born in Berkshire, he intended to provide for three Berkshire men. At present the accident of birth does not imply much real relation to the county of birth: though I was a Berkshire fellow I never resided in Berkshire after I was six months old, and probably such will be found to be generally the case. Few persons have any real connection with the place where they happen to have been born. London, using that word to express the bills of mortality, probably now contains about half as many persons as all England contained in the time of William of Waynflete; but as it then contained at the outside 100,000 persons, he allotted to it only one fellowship. Again: the British colonies now contain a larger British population than all England contained 500 years ago; but there are very few colleges in which persons born out of England are eligible, so that not only the colonies but even Ireland and Scotland are generally excluded; so are the vast number of persons who are born while their mothers are abroad, though English subjects by law for every other purpose. Close foundations of course, in proportion as they are close, prevent or diminish competition. If confined, as they sometimes are, within very narrow limits, they become a sort of perpetual entail in favour of particular families, in defiance of the principle of English law that perpetuities are abhorred. We have just refused at Magdalen College an endowment of 20,000*l.*, which the testator proposed to confine to his kindred in the first instance, and then to the county of Stafford. It is notorious that the founder's kin at Winchester have been the least distinguished boys in the school. This is indicated by the common Winchester proverb, "as thick as a founder." I heard the other day of three members of one family, entitled under a close foundation, being plucked within a few years. For the purposes of education and literature such foundations are often useless, and even worse than useless, as they introduce mischievous elements into the government of the university and of colleges.

Appointment of Heads of Houses.

Another evil which also Parliament can remedy is the selection of heads of houses. They are generally taken from those who are or have been fellows of the college. When taken from those who have been fellows, the incumbent of a valuable college living is frequently chosen, as two persons unite their influence for that purpose, the incumbent and the person who according to the habits of the college is entitled to succeed him. When an actual fellow is chosen, it is frequently a man who has passed an idle Oxford life, and become familiar therefore with all the fellows, or has been an active useful bursar, and is supposed likely therefore to manage well the college revenues, or is recommended by sympathising in the doctrinal or political opinions of the majority, or simply by an easy temper. I am inclined to think that the peculiar qualities which fit a man to preside over a place of education have seldom much influence; the selection is made from a very narrow circle, and even in that very circle the best, or even the second best, man is seldom chosen.

In whose hands would you place the power of selection?

Reasons for preferring the patronage of the Crown.

I would give it to the Crown under the advice of the Prime Minister. The Executive is perhaps not a remarkably good distributor of small patronage, nor are the heads of departments perhaps always the best distributors of considerable patronage; but important patronage, when exercised by so conspicuous a person as the Prime Minister, cannot now be given except on public grounds. We are not likely to have any administration strong enough to be able to afford to make obviously bad appointments. I believe

* This Evidence was taken orally before the Commissioners, in consideration of the circumstance that Mr. Senior was on the point of leaving England for a lengthened period, and that the questions of the Commission had at that time not been prepared.

N. W. Senior, Esq., M.A.

that few selections would be more scrutinized than those of heads of houses: the Prime Minister would never venture, and very seldom would wish, to appoint any one whom he did not believe to be fit, and even peculiarly fit. I should wish the choice to embrace not only the whole of one, but even of both Universities. I should not be sorry to see sometimes a person well acquainted with the habits of Cambridge appointed to an Oxford headship, and *vice versâ*; such an appointment would not take place unless justified by peculiar merit.

Do you consider that the heads of Christ Church, Oxford, and Trinity, Cambridge, have on the whole been superior men?

I believe that they have; but it must be recollected that in the first place the field of selection has been practically narrower than the one which I propose. The Deans of Christ Church have, I believe, always been selected from those who are or have been students. The Masters of Trinity have usually been Trinity men. Those heads of halls in Oxford who are appointed by the Chancellor have generally been superior to an equal number of the heads of houses elected by the fellows, though the office is one of much less emolument.

What was the amount of education given at Magdalen College when you were an undergraduate?

Constitution of Magdalen College.

As far as I recollect the average number of undergraduates was about 12; seven or eight demies, and three or four gentlemen commoners. The founder made no provision for commoners. He wished to educate only 30 demies, and I believe 20 persons of rank. By the statutes he does not appear to have contemplated the succession of demies to fellowships, or their continuance in College after their 25th year, though there is a tradition in the College that the present practice existed during his lifetime.

In the case of demyships has nomination by individuals in any degree superseded the statutory mode of election?

Elections by favour.

I believe that it has, but I never was an elector. As far as I recollect, the very best candidate generally came in, and the very worst was excluded, but between these two extremes two or three may have come in inferior to some who were rejected. Merit, therefore, though not the sole element in the election, was an important one. I heard, for instance, that, at the election at which I came in, the two who were supposed to be the best candidates out of 57 received the first two nominations.

Is it regarded as a legitimate exercise of patronage to appoint friends and relatives?

I can speak only as to the practice 40 years ago. At that time a very bad candidate would not have been admitted, and I do not think that a pre-eminently good one would have been rejected, but the son of a friend may often have been preferred to a candidate slightly his superior.

What was the value of your fellowship?

Value of Magdalen Fellowships.

I was a fellow from 1811 to 1821. I think that the largest amount I received in any one year was 250*l.*, having been elected immediately after taking my B.A. degree, and therefore belonging to the lowest class of fellows.

Do you know the value of the senior fellowships?

I never resided as fellow: I think there was a rumour that they were worth 400*l.* or 500*l.*, but I never attended an audit or looked into the College accounts, probably never entered the Bursary.

What restrictions as to professions are there in the fellowships of Magdalen?

Clerical Restrictions.

Out of the 40 fellows three are supposed to profess the Civil Law, and three to profess Medicine. I do not believe that we have had a practising civilian, except Sir Christopher Robinson, or a practising Physician. They are merely lay sinecures as far as instruction is concerned; though men holding them have been eminent at the bar, or as University Professors.

Do you conceive that the great preponderance of the clerical element is beneficial to the College or University?

Their effect.

I think that bribing men by a fellowship to take orders must often be injurious; it must introduce into the Church many unfit persons, and may exclude from lay professions very fit persons; it has a tendency to give to the studies of the place a stronger theological character than is perhaps desirable, and to make the theology which is now studied more controversial that it was in my time, or perhaps ought to be. As far as I can perceive, disputed doctrinal points now attract an undue proportion of the attention of the young men: the deficiency of young men of great promise in public life is marked and increasing, and I suspect that it may in some degree be owing to the diversion of many of the most inquiring minds towards theological controversy, instead of their being directed to subjects connected with active life.

Answer from the Rev. H. L. Mansel, M.A., Fellow, Tutor, and Dean of Arts, of St. John's College, Oxford. Rev. H. L. Mansel, M.A.

GENTLEMEN,

I HAVE to acknowledge the receipt of two communications from the Oxford University Commission, bearing date the 18th of November and the 8th of December last. Pressing engagements have prevented me from paying earlier attention to the matter contained in them.

With regard to the former of these papers, which confines itself to questions of opinion on existing institutions or proposed changes, I shall endeavour in the following remarks to state my views on such portions of the contents as have at any time been matters of consideration with me. If I neglect any portions of the questions suggested, it is only because on those particular points I have nothing to communicate worthy of the attention of the Commission.

As regards the restraining of extravagant habits, I have long been of opinion that the main remedy must come from without, not from within the University. The necessary College expenses are in most cases too moderate to admit of material reduction. At any rate, what little could be done in this respect would not meet the evil principally complained of, the system of long credit and the liabilites contracted beyond the walls of the College. In this respect, I believe College or University regulations can effect very little. While there is vigorous competition among tradesmen for the custom of Members of the University, the offer of long credit is one of the most natural and obvious means of securing customers, and can hardly be wondered at or censured in tradesmen under the pressure of competition. The risk of occasional bad debts is compensated by the power of outbidding a rival. I do not think this can be stopped by College regulations. In the first place, unless all tradesmen consent to obey the College rules, those who refuse will carry off the chief custom of the extravagant class of men. In the second place, nothing is easier than for tradesmen who apparently comply, to have one book for the College and another for the Undergraduate customer. Some time ago, an attempt was made in my own College to appoint a body of College tradesmen, with whom every member was recommended to deal, and who pledged themselves to send in their accounts twice every year, and, if not paid within the ensuing term, to communicate with the authorities of the College. The plan did not answer, and was ultimately discontinued, chiefly because the tradesmen complained that they lost custom by it. Individual parents might no doubt do much in conjunction with the College authorities, by way of moral influence; but, while the world contains the average amount of foolish parents and ill-trained children, I have no sanguine hopes of very general co-operation from that quarter. I believe that little more can be done than is done already, unless by a stringent legislative enactment regulating the relations of tradesmen with persons *in statu pupillari*. How far such an enactment would be an unjustifiable or impolitic interference with the liberty of commerce I do not pretend to say. If the means proposed appear extravagant, it is merely because the end is not very reasonable. When the problem is given to collect on the same spot from 1,000 to 1,500 young men, of all degrees of natural endowment and all sorts of previous training, with not a single fool among them, it is not easy to suggest mild or moderate methods of solution. But I fear that the public in general, in estimating the performances of the Universities, makes no allowance for foolage.

EXPENSES. PARENTS. LEGISLATION.

I do not think that any great scheme of University extension is practicable in the present day. The whole current of society appears to be setting in an opposite direction. In an age of great competition of all trades and professions, few parents will send a son to spend three years at the University in the general enlargement of his mind, when he might be concentrating his faculties on his own business in the office, the counting-house, or the surgery. It gives his competitors too great a start in the race of life. Nor would this be in any great degree obviated by making University education more professional. The University must undertake to supply all the technical details of each special apprenticeship, or she will be unable to compete with any as a training school for money-making. Such a teaching of technicalities is not desirable, and what is more to the purpose, it is not practicable: the working part of every business will be best learned on the spot where it is exercised. Even as regards theoretical study, I believe that the minute cultivation of special departments of knowledge is as incompatible with the local grouping of all on the same spot, as with the possession of universal information by a single mind. A study, to be cultivated with real zeal, must be *the* study of the place. Each separate branch tends in its progress to acquire, not merely its own special devotees, but its own special locality. If the whole tendency of the age is to education as a means of earning a living; if, relatively to that purpose, practical experience is everything, and if centralization of all branches of knowledge is not the best means of gaining practical experience in one only, general University extension is in this respect a backward not a forward step; and the amiable enthusiasm which dwells fondly on the memory of 30,000 students in the days of Henry III., must rank with the mediæval dilettanteism which sighs for the bygone days of hobbyhorses and Abbots of Unreason.

UNIVERSITY EXTENSION.

The Church is about the only profession to which the above remarks do not apply; partly because clerical duties are not, like those of other professions, a direct means of pecuniary competition, and partly because the canonical period fixed for ordination prevents the struggle for an early start in the race of life. And it must be allowed that the tendency of late years has been to make the Universities, in an educational point of view, chiefly a training school for clergymen or for men of fortune who need no profession. In this respect the amount of University extension will be in a great degree regulated by the relations of supply and demand for labour in one particular department. And this has always appeared to me to be the weak point in the demand so frequently heard of late of very cheap education for very poor men. The question is frequently argued as if the B.A. degree were the end of a man's natural, as it generally is of his academical, life. Were this the case, it might be a worthy object of every

THE UNIVERSITY A TRAINING SCHOOL FOR THE CLERGY. POOR SCHOLARS;

Rev. H. L. Mansel, M.A.

exertion to secure for him such a glorious euthanasia. But the further question remains, what can you do with your man when you have educated him? Is it real charity to fit him for one walk only in life, to give him much general cultivation of mind, but little special means of bread-making; to turn him out too poor to associate with his equals in culture, too cultivated to associate with his equals in purse? Will Church Extension meet the supply? and are very poor Curates the most desirable or the only practicable means of Church Extension? Or is it expedient or practicable to introduce, as is largely the case in Germany, a body of family tutorships as a provision for poor scholars; in other words, to combine on a large scale the education of a gentleman with the condition of a servant? And will not the victim occasionally wish that dignity had been sacrificed to comfort, and that he had been sent behind the counter? These and many similar questions may be asked, and perhaps satisfactorily answered; but it is at least desirable that the dark as well as the bright side of academical ptochogony should be fully considered.

their after fate.

Marked difference between English and German Universities.

With these views, I do not think that any of the four schemes of extension suggested under your sixth question would be efficient in materially increasing the number of students. Indeed, considering the relative cost of College rooms and lodgings (the rooms in St. John's rent at from 6*l.* to 8*l.* a-year), I do not quite understand the meaning of the expression "without subjecting them to the expenses incident to connexion with a College or Hall." I have no great faith in any of those projects of reform which proceed on the principle of making the Universities the direct instructors of the great body of the nation. That state of things has gone by, and the whole political and social requirements of the country are opposed to its restoration. In this respect it is unfair to draw comparisons between England and Germany. German Universities enjoy a monopoly in almost every branch of education. Every lawyer, every medical man, every clerk in a Government office is licensed to his post by University certificate. The parallel therefore is not between the respective Universities alone, but between a single University abroad and a combination of the English Universities, the Inns of Court, the Colleges of Physicians and Surgeons, and the whole political department. If it is not expedient to give a monopoly of this extent to the English Universities, we must be content to do in five or six places what our neighbours do in one. The question is merely one of the expediency of a compulsory centralization of all professions on the same spot.

True use of Universities,

I do not therefore think that much benefit will accrue from an attempt to increase largely the number of students, or to concentrate many branches of study within the precincts of the University. But, in another point of view, I believe that the Universities may be made the means of supplying an element much needed in this country, the greater encouragement of unproductive thinking, of speculation that is not directly applied to the invention or improvement of material comforts. This is a point which may be advantageously considered in connexion with the eighth question on the professorial system. I do not think professorial teaching to be the best means of instruction in the *rudiments* of any subject, not even of speculative philosophy. As far as my personal experience of teaching goes, I do not believe that a tyro is likely to be well *grounded* in any branch of study by being *talked at in large classes*. What he can be made to do for himself is in this respect far more valuable than what is done for him. A system making professors the responsible teachers of the whole University (responsible, that is, for the *testamur* of their pupils), and enforcing compulsory attendance on lecture of students of every calibre, would postulate its own failure; it would condemn the lecturer to a wearisome round of rudiments; it would force him to adapt his instructions to the minimum of intellect and learning among his audience; it would make him only a tutor on a larger, and therefore a less efficient scale. But, leaving the elementary instruction where it is, I can conceive no greater boon to the universities, and, through them, to the whole country, than such a professorial system as would enable a competent man to devote himself thoroughly to philosophical study, without feeling that he was ruining his prospects in life. As matters stand at present, no intellectual power will *pay*, unless it can bring forth marketable productions. Unproductive thinking, to be prosecuted with success, must be endowed. The tutor has to eke out a living by teaching in elements; he has neither the leisure nor the inducement to be wise much above his pupils; he must look principally to the requisitions of the schools. But the professor, less hampered by the painful duty of cutting blocks with a razor, might and ought to be on a level with the whole thinking of Europe in his own department. It is only by bringing the minds of different nations to bear upon the same subjects that the errors of a one-sided philosophy can be effectually tested and eradicated. Immense good might be done by such an institution as should enable English thinkers to grapple with the prominent questions of modern German speculation. But such a task is

and of the Professorial system.

implies a body of men profoundly skilled in their several departments.

> "Magnæ mentis opus, nec de lodice paranda
> Attonitæ."

The professor must not have to eke out his living by private pupils, nor to cast about for support when his period of office terminates. His professorship must not therefore be limited in its duration, nor paltry in its emolument. I am happy to find the opinions which I have long held on this subject advocated in the recent able pamphlet of Mr. Bonamy Price. With the author's general view I am disposed fully to concur. One or two exceptions I think it right to mention.

Mr. Price's Pamphlet.

Mr. Price, by confining the labours of college tutors exclusively to the first two years and to the scholarship portion of study, appears to me to throw upon the professors too much of the *elementary* teaching of the scientific department. This, as I have already observed, is a bar to the value of their labours in a higher scale of philosophy.

Mr. Price, by compelling the attendance of *all* undergraduates on professorial lectures, compels the professor either to be unintelligible to a portion of his class, or to lecture down to

the level of the stupidest man in it. I should be disposed to limit the necessary attendance to the candidates for honours. *Rev. H. L. Mansel, M.A.*

With these exceptions, the view which the author takes of the nature of tutorial and professorial duties and their relation to each other, appears to me remarkably just and valuable.

I shall only trespass on your attention with reference to one other question—the system of private tuition, and its effects on the University studies. PRIVATE TUITION.

As I believe that the education of the University can only be fully efficient when adapted to the wants of individual minds, I consider the private tutor to be a valuable element in the system. If the University were to forbid all private tuition, she would be compelled either considerably to lower the standard of the examinations, or to appoint some analogous body of instructors from her own resources. The advantage of the private tutor system, as it now exists, are these :— Its advantages.

It invests a certain amount of loose private capital in the cause of education; it enables an useful body of teachers, whom the University cannot pay from her own resources, to pay themselves.

It enables some of the most deserving among the junior members of the University to repay, by means of pupils, the expenses of their own education.

It retains within the University many able men whom it is not possible immediately to supply with official duties.

It contributes to the efficient preparation of competing students, and consequently raises the general character of intellectual competition.

It assists in the mental discipline of each student, by making him more inquiring, and less passively recipient.

It relieves the necessarily dogmatic character of instruction conveyed to large classes at once.

Against these advantages, the only objection that can be urged on the other side is, that it entails a certain additional expense on individual pupils. This, however, is not an evil of such an extent as to counterbalance the benefits. At Oxford the majority of pupils do not read with a private tutor for more than a single year; and, in many cases, the expense of this is far more than repaid by the same pupils becoming tutors in their turn. But in legislating with a view to promote the intellectual vigour of the University in the present day, it would be a great mistake to give too much weight to eleemosynary considerations. In an age of mental activity, and when education is sufficiently prized to be worth investing money in, a purely charitable education, like most other things given away in charity, will not usually be the best of its kind. If it is desirable to retain within the University teachers of sufficient ability to find employment for their talents elsewhere, it will be almost as great an error to adapt the character of the education to the lowest possible purse as to the lowest possible intellect—both being the misfortune, and not the fault, of their respective possessors. The most efficient system will be one which combines the private tutor, the college tutor, and the professor; holding out, at the same time, sufficient prospects to able men of advancing from the lower offices to the higher; for, whatever may be made of the last of these three posts, the two former can hardly be said to hold out sufficient temptations to induce many men to devote the best years of their life to the discharge of their duties. Its expense.

I have the honour to be, Gentlemen,
Your obedient servant,
H. L. MANSEL, M.A.

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* *Answers from the Rev. R. Walker, M.A., Reader in Experimental Philosophy.* *Rev. R. Walker, M.A.*

MY LORD AND GENTLEMEN, WADHAM COLLEGE, OXFORD, DECEMBER 17, 1850.

I HEREWITH transmit my answers to your questions as far as I feel competent to answer.

I have left blanks to those which I could not well reply to, or to which I could say nothing which seemed in the least important.

For brevity's sake, I have replied in a somewhat authoritative style, perhaps more so than is becoming, but I trust that you will excuse any apparent boldness.

I have desired to give you every information in my power, and it will be my pleasure to answer any further interrogatories either orally or in writing as you may think most to the interest of the University and to the furtherance of the object of your Commission.

I have the honour to be,
My Lord and Gentlemen
Your obedient humble servant,
ROBERT WALKER,
Reader in Experimental Philosophy.

The Lord Bishop of Norwich and the University Commissioners.

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1. The possibility of diminishing the ordinary expense of a University education, and of restraining extravagant habits. EXPENSES.

1. If by *ordinary* is meant *necessary* expense, it would be difficult to diminish the necessary expenses of an University Education, unless the whole character is changed. The necessary expenses at Bishop Hatfield's Hall at Durham are not very materially less than in a well-regulated College in Oxford.

With regard to restraining extravagant habits, the real causes of the extravagance are the state of society in general, and the weakness of parents, who wish their sons to be like other

* For Mr. Walker's Evidence as Professor, see Part II., p. 284; for his Evidence as Public Examiner, see Part III., p. 291.

Rev. R. Walker, M.A.

young men. I have thought and talked much on this subject, and the only method for doing good which I can conceive is to put a stop to the system of credit altogether, *if possible*. If an Act of Parliament could declare that no bill *whatever* could be recovered from an Undergraduate, it would do something; but the Act must declare that not *even a bill for necessaries* can be sued for, or else a jury of tradesmen would (as they do now) take a very wide range for a young man's necessities.

Legislative interference.

CONSTITUTION.

3. The power of the University to make, repeal, or alter statutes.

Convocation.

3. It is not desirable, in my opinion, to assimilate Convocation to a House of Parliament, and to give it power to move amendments, or to bring in new statutes; but it ought to have the power of appointing Committees or Delegacies out of its own body for this purpose. The Board of Heads of Houses has too much upon its hands, and it is naturally slow, and unwilling to propose needful changes. It would not do much good merely to introduce into this Board a few Professors or Masters of Arts; the Board is already too numerous for the despatch of business.

Board of Heads of Houses.

4. The mode of appointing the Vice-Chancellor and Proctors.

PROCTORS.

4. The cycle of Proctors requires great alteration.

5. The government of the University and its relation to the Colleges, as finally established by the statutes of Archbishop Laud.

5. This is partly answered in No. 3.

UNIVERSITY EXTENSION.

6. The means of extending the benefits of the University to a larger number of students,

(1.) By the establishment of new Halls, whether as independent societies, or in connexion with Colleges;

6. (1.) The establishment of Halls *in connexion with* the Colleges would be very advantageous, and might be readily accomplished. The Members of such a Hall could have the benefit of College Lectures, College Dining-hall, Chapel, &c., together with the superintendence of a resident Governor, who might be a College Tutor or Officer.

(2.) By permitting Undergraduates to lodge in private houses more generally than at present;

(2.) Lodging in private houses is more expensive than residing within the walls of a College.

(3.) By allowing students to become members of the University, and to be educated in Oxford under due superintendence, but without subjecting them to the expenses incident to connexion with a College or Hall.

(3.) I fear that this plan would not answer the desired end.

(4.) By admitting persons to Professorial lectures, and authorising the Professors to grant certificates of attendance, without requiring any further connexion with the University.

(4.) The only difficulty of admitting persons to Professorial Lectures who are not connected otherwise with the University, is that such persons would not be under University discipline, and would so cause great inconvenience. Our present discipline is productive of great good.

I do not see what value the Professorial Certificate would be by itself, without any Degree or other distinction. I believe that many Professors *now* admit any one, properly introduced (*i. e.*, so as to insure respectability and a desire to profit), even without payment of fee. I have done so in many cases.

7. The expediency of an Examination previous to Matriculation; of diminishing the length of time required for the first Degree; of rendering the higher Degrees real tests of merit; of so regulating the studies of the University as to render them at some period of the course more directly subservient to the future pursuits of the student.

PUBLIC EXAMINATION AT MATRICULATION.

7. The only sure method of raising the standard of University Education would be to institute a *strict public* Examination at Matriculation. Young men come up badly taught, and College Lectures, and so also the Public Examinations, are brought down to the level of the inferior men. Such an Examination might press hard upon some few, but admission at some Hall might be devised for those who are above the usual age, without this ordeal.

PROFESSIONAL STUDIES.

The length of time for the first Degree might be diminished slightly, by requiring a longer residence in each year, but the time is not too long for those who seek distinction. It is an advantage in our present system that our future Statesmen, Lawyers, Clergymen, &c., are all trained alike. A separation into professions before the age of 21 would narrow the mind and increase class distinctions.

8. The expediency of combining the Professorial with the Tutorial system; of rendering the Professorial foundations more available for the instruction of Undergraduates generally; of increasing the number and endowments of Professorships; of providing retiring pensions for Professors.

PROFESSORIAL SYSTEM.

8. The Professorial system ought to be combined with the Tutorial, and it might be. At present, the Tutors have usurped the functions of the Professors, and throw impediments in the way of those who wish to attend Professors' Lectures. A Tutor might recommend his Pupils to attend a Professor, and see that he profits by the Lectures. On this point see many excellent remarks in Mr. Litton's Pamphlet on University Reform.

Mr. Litton's Pamphlet.

Poverty of Professors.

Many of our present Professorships and Readerships are so poorly endowed that they do not afford a decent maintenance; hence some other source of income must be sought, and the attention of the Professor is diverted from his subject.

Retiring Pensions.

Retiring Pensions would be a benefit to the University and to science in general.

9. The most eligible mode of appointing Professors; and the effect of existing limitations or disqualifications upon the appointment of Professors.

9. The first part of this question is difficult to answer. An election by Convocation is not always the best.

As to the second part, the limitations of the Anglo-Saxon Professorship are not good; but it may be desirable that some should be held for a limited period, as, for instance, that of Poetry and that of Political Economy.

DISTINCTION OF RANK AND WEALTH.

11. The propriety of abolishing the distinctions between Compounders and ordinary Graduutes; between Noblemen, Gentleman-Commoners, and other students; and also the distinctions made with respect to Parentage at Matriculation.

11. The distinction of Grand Compounder is unjust, oppressive, and absurd. The dis-

tinctions of Noblemen, Gentleman-Commoners, &c., have advantages, and they are optional in a great degree. The distinctions of Parentage at Matriculation ought to be modified. *Rev. R. Walker, M.A.*

13. The capability of Colleges and Halls, as at present constituted, to furnish adequate instruction in the subjects now studied, and in those introduced by the recent Examination Statute.

13. Colleges and Halls, as at present constituted, are fully capable of furnishing adequate instruction, if they would combine Professorial instruction. (See No. 8.) PRESENT MEANS OF INSTRUCTION.

14. The system of Private Tuition, and its effect both on Tutors and Pupils.

14. Private Tuition, when it takes, as it commonly now does, the form of *cramming*, should be discouraged. If College Tutors were less of Professors, Private Tutors would not be so necessary: in some cases they will be always wanted. PRIVATE TUITION.

15. The means of rendering Bodley's Library more generally useful than at present.

15. Bodley's Library is almost useless at present to Tutors. Some plan for borrowing books would be a general benefit. BODLEY'S LIBRARY.

16. The propriety of laying periodical Statements of the University Accounts before Convocation.

16. It would be a great satisfaction to Convocation, and would relieve the charges at present attaching to the authorities, if a periodical statement of accounts could be submitted to proper inspection. UNIVERSITY ACCOUNTS.

Answers from the Rev. J. D. Collis, M.A., Head Master of the Grammar School of King Edward VI., Bromsgrove, Worcestershire; late Fellow of Worcester College. *Rev. J. D. Collis, M.A.*

THE following *bonâ fide* list of expenses may be of use in estimating the *real* cost of a degree at Oxford. Of the sum there mentioned, I received about 120*l.* first from a Postmastership at Merton, and afterwards from a Scholarship at Worcester College. I was matriculated June 1834, and took my degree October 1838:— UNIVERSITY EXPENSES.

	£.	s.	d.
College battels	237	5	0
University fees (Matriculation, B.A. degree, &c.)	32	4	0
College servants	33	7	6
Private Tutor	33	10	0
Loss on furniture of rooms	21	5	0
Groceries	21	8	0
Wine, desserts, occasional expenses for dinners, &c.	38	12	6
Books	40	7	8
Letters, parcels, &c.	6	5	11
Subscriptions, and private disbursements	22	13	6
Boating and amusements	10	17	0
Washing	18	19	6
Tailor	85	7	6
Boots, &c.	23	2	0
Various	29	19	6
Total cost of degree	655	4	7
Add travelling	69	18	0
	£725	2	7

At Worcester College, Oxford,

This is a low sum for Oxford; I should say the usual cost of a degree is 800*l.* at least; to very many it is as much as 1,000*l.*

One of my brothers entered Hatfield Hall, Durham, under Mr. Melville, the first year that it was opened. As he was a Theological student, he got his licence, and was ordained within three years; and from first to last, including *all* expenses, academical and personal, he spent but a few pounds over £300. Compared with the Expenses of Hatfield Hall, Durham.

Surely, by an adoption of the same system at Oxford, in as many Halls as there might be need of, the same economy might be insured. Why should a boy of 18 at school cost his father but 80*l.* or 90*l.* a-year, and at 19, his expenses for a less portion of the year be 180*l.* or 200*l.*?

One great feature in the expenses at Hatfield Hall is the *reality of every item*; and another, that there is no *large* sum (so serious a burden to many a poor clergyman) to be paid at first for furniture and Grace Terms. At Hatfield Hall, a certain sum is paid per Term for rooms *ready* furnished, and there is value for every pound charged. At Oxford, there is an apparent injustice (which is a constant topic of remark among Undergraduates) in charging University fees, room-rent, and tuition, for *four* years, whereas only *three* years' residence is insisted on. The large sum required on first commencing residence at Oxford often swallows up the whole of a man's ready money, and almost necessitates the credit system. This, added to the utter inexperience of many in the value and responsibility of money, (a point in education too often wholly neglected by parents,) will account for many an unfortunate man's ruin. All these difficulties have been overcome at Hatfield Hall, Durham, by the energy and watchfulness of an efficient head. Let the same experiment be honestly tried in Oxford, and a larger measure of success may reasonably be expected.

JOHN DAY COLLIS, M.A.

The Most Rev. Richard Whately, D.D., Archbishop of Dublin.

Answers from Richard Whately, D.D., Lord Archbishop of Dublin, late Fellow of Oriel College, and formerly Principal of St. Alban's Hall, and Professor of Political Economy in the University of Oxford.

EXAMINATION AT MATRICULATION.

As far as regards *University* reform, I have long been convinced that the very *first* step should be a University examination, preliminary to matriculation.

If *every thing* else be put on the best possible footing, and that one point be omitted, you will have a plan which will look well on paper, but will never work satisfactorily.

Its advantages.

If, on the other hand, this one réform were introduced and no other at present, it would be easy afterwards to introduce indefinite improvements: indeed, some would even grow up from it spontaneously.

A Head of a House may accept or refuse an application for admission into *his House.* This is quite fair. But if a man is to be a Member of the *University*, the University ought also to have a voice as to his fitness for admission.

I have been told that a man is examined by the *College Tutors* prior to admission. Sometimes he is, and sometimes not; and when he is, how can the *University* know or judge of the sufficiency of the examination.

The fact is notorious that men do obtain admission (at one College, if refused by another) who are quite unprepared to profit by what ought to be an academical education. And considering what an obvious advantage this affords to inferior Colleges, which are thus supplied with members such as the superior Houses would refuse, it is really wonderful that I should have advanced so far (which I did twenty years ago) as to *divide equally* the Hebdomadal Board on the question of a preliminary examination.

The only argument by which I was met was, the citing of three or four cases of men who had entered when quite ignorant, and had, by extraordinary talents and diligence, ultimately gained honours. But even ten times as many such cases would prove nothing, for such men would not be *permanently* excluded. Any such marvellous genius would have no difficulty in preparing himself in a year's, or a half-year's study, for the entrance examination; so that at the expense of a very short delay he would enter the University under much less disadvantage.

But the great majority of those who enter thus ill-prepared—and they are very many—are no such geniuses; and they *just* obtain a degree by passing an examination such as (every one must admit) a lad of *moderate* ability, from even a *tolerable* school, of the age of 17 or 18, ought to be able to pass without difficulty.

Let such an examination be *preliminary;* and then they would *begin* just where they now end.

Fresh and fresh examinations have been introduced for various periods of the academical course; but all must in a great measure fail without the *preliminary* one. It would be no substitute were you even to have a public examination for the *very first term.* The only way is, to subject a man to examination *prior* to his entrance.

Evils of its absence.

The evils of the want of this are—1st. That either the general character of the College *lectures* is lowered by being made such as would suit schoolboys of 14 or 15; or else a large portion of the students cannot profit by them, from being too backward. And *both* of these evils exist more or less in most Colleges. 2nd. The character of the University examinations is lowered. For you can never find Examiners who will publicly reject about one-half or one-third of the candidates, which they would be forced to do if they required such a proficiency as ought to be expected of any one who had studied three years at a real University. Therefore they lower their standard to meet the case of those who have entered unprepared.

Effect on Schools.

The introduction of a preliminary examination would be an inestimable stimulus to *schools.* They would then become more what a *school* ought to be, and the University would, instead of being a school (and a very poor one), become a real *University.* Schoolmasters are tempted now to bestow most of their care on a few *bright* lads who are likely to gain *distinction.* And there is no salutary dread of the disgrace of having one of their pupils *refused admission* at the University. But if there were this danger, they would feel ashamed to send forth a lad at 17 or 18 who could not give some account of the New Testament (about as much as he ought to have previously to being *confirmed*), and of three or four books of Euclid, and of three or four easy Greek and Latin books, which is now all that is required for a degree!

No distinctions at this Examination.

The examination of candidates for matriculation should not be *public;* nor should I recommend any *honours* to be bestowed at it. For these last there are abundant openings afterwards. If the Examiners had no honour to bestow *except* that of *passing*, they would be the less tempted to bestow that on the undeserving. And the more private the examination, the less scruple would there be of "remitting to his studies" any one ill prepared.

Printing the names of all Candidates for a Degree.

One of the advantages of the proposed examination would be, that there would (I trust) be no longer any objection to *printing* the names of *all* who have passed the Degree Examination. That a man who simply satisfies the Examiners and obtains a *University degree* should regard this as a disgrace, is surely a great disgrace to the *University.* And it is the necessary fruit of the present plan of matriculation.

Effect of a Matriculation Examination on University extension.

In reference to the queries relating to *Professorial Lectures*, and to the establishment of fresh *Halls* and (Qu. 3) of lodging-houses, such as would virtually be Halls, I would remark that almost all turned on the proposed *preliminary* examination. That, and that alone, would check the indiscriminate admission, at Halls unlimited in number, of men

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unfit for a University. And that alone could provide suitable classes for Professors. When a large portion of the Undergraduates are occupied in acquiring those rudiments which they ought to have learnt at school, it is vain to expect them to attend University lectures.

The Professorial System,

and Private Tuition.

And as for (Qu. 14) *Private tuition,* a great part of it is the necessary result of the unprepared state in which so many men are now matriculated. The private tutors are (in those cases) the *crutches* of our infirm system. And it is no cure to a lame man to take away his crutches. If *babies* are admitted, you must expect to find *nurses.*

As for legal prohibitions of private tuition, the evasion of them is so easy that the attempt had better be let alone.

The Higher Degrees.

If any Oxford man were asked "whether the degree of M.A., and those in Law and Divinity, do not convey, at least to *some* of our countrymen, some notion of *merit* or *proficiency,* more or less, of some kind? and whether any such belief is not *wholly* groundless? and whether, therefore, a University so conferring those degrees as to create or keep up a false impression is not guilty of a kind of *fraud* on the public?" I know not what he could answer.

I remember—and my memory as to academical matters extends over more than 45 years—sundry attempts made to remove this reproach, by making the exercises for those degrees something real. But all such attempts failed.

Failure of attempts to revive the Exercises necessary for them.

When first I went to Oxford, and for some years after, there was a regular public examination for the degree of M.A. But, in *fact,* it was *not* public, all the Undergraduates and Bachelors making it a point of delicacy never to attend, because several of those examined were men of middle age, and many clergymen. And it was soon found that no examiners could be induced ever to *reject* a candidate, however ill prepared. Hence the whole soon degenerated into an empty form, and was discontinued.

Then attempts were made to introduce something real in place of the empty forms of exercise, called the "Determining." But the same result speedily followed.

Then, a good many years after, when I was a member of the Hebdomadal Board, a scheme was proposed for making the *Divinity* exercises something real. It looked well on paper; but I inquired, "Suppose a candidate for the degree of B.D. or D.D. *fails* to exhibit the requisite proficiency: will the examiner *reject* him?" I was answered, "We hope none *will* fail." "Well, but suppose some man *does;* what then?" They were compelled to admit that rejection was a thing not to be thought of, considering that several of the candidates would be elderly men, and clergymen, and perhaps dignitaries. "Then you will see," said I, "that after a few terms, the whole will become an empty form. As soon as it has happened—as, of course, it will—that a deficient candidate is allowed to pass, and then one a *little more* deficient, and another a little worse still, and so on, the exercises will be understood to be a mere form." I alluded to the story in the Spectator, of the Indian, Maraton, who went to the Land of Shadows—the Indian Elysium—to visit his deceased wife Yaratilda. He found it surrounded (instead of the river Styx) by a seemingly impenetrable thicket of thorn-bushes, and for a time was at a loss; but he soon found that it was only the ghost of a departed thicket, the *shadows* of thorn-bushes; and he walked through without any difficulty. "Even so," I said, "this examination will have some effect till it is discovered—as it soon will be—that it is only a *shadow.*" And thus it proved, on the experiment being tried.

So it must always be with any examination which *all* are sure to pass.

And yet, to find Examiners who will *refuse* these degrees to any candidate, experience shows to be quite hopeless.

Proposed limitation of the Higher Degrees in number.

I can think of only one remedy: to *limit the number* of these degrees, allowing only a certain *proportion* of the whole number of members of the University to obtain them; or only so many *annually.* If the candidates, or those likely to be supposed desirous of such a degree, are *more* than there are vacancies for, then there would be no more disgrace in standing for the degree and failing, than in standing for a Fellowship. It would not imply *absolute* unfitness, but merely that others were *more* highly qualified. And it would be easy to find examiners who would give the prize to the worthiest

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Alphabetical arrangement in the Classes.

It has often been proposed to arrange the Bachelors who obtain honours in the order of merit in each class, instead of alphabetically, as tending to increase emulation, and thus stimulate exertion. But I do not know that the proposal ever found favour with those who had been (like myself) accustomed to the very difficult task of determining—as in the examination for a fellowship—the *comparative* merit of candidates.

When the examination is only in mathematics, the task is comparatively very easy. But when it goes through several Greek and Latin *classics,*—poets, historians, and philosophers,—Greek, Latin, and English composition, &c., it becomes excessively difficult to weigh one man's attainments against another's. One will exceed in philosophy another who surpasses him in translating the Greek poets; and both, perhaps, will be surpassed in Latinity by a third, &c. Hence, to facilitate in some degree this difficult task, the candidates for Fellowships, instead of being allowed, like those for a degree, to choose their own books, are examined in the *very same passages,* and set to write on the same subjects.

To introduce this kind of limitation into the Degree examinations—which would be, on the proposed plan, indispensable—would surely be an alteration for the worse. And even then a great additional burden would be laid on the examiners.

Nor do I see that any advantage (certainly no adequate advantage) would be gained.

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The hope of attaining the highest of four or five classes is surely stimulus enough. If there be a man of such extraordinary powers, and such *confidence* in those powers, that he feels *quite sure* of a *first class* even with *less* assiduous exertion than he *could* use consistently with his health, such a phenomenon could only be found once in many years; and it would not be worth while to provide for such an exceptional case, especially since this very supposed prodigy could not after all have been *idle*, without failing of his first class; it is merely that he would not have read *quite so* hard as he might have done.

And as for any one *not caring* for a first class, and therefore not exerting himself at all, merely because he is not to be ranked in the order of merit, such a phenomenon must be, I should think, rarer still.

And after all, no more *justice* would be done to superior merit than on the present plan; but rather the reverse. For the Senior Wrangler of *one* year may be inferior to the second or third of another year.

I was always, therefore, decidedly of opinion that the proposed plan would occasion much labour and difficulty, for no adequate object.

UNIVERSITY EXTENSION.

Lodging in Private Houses.

Question 6, i. ii. I would not venture to recommend the system of unrestricted lodging in private houses. That a proper discipline should be maintained among the lodgers must depend on the *care*, *integrity*, and *good sense* of the *lodging-house keepers*. And how can we expect to find these qualities united in an indefinite number of persons in rather humble life, and of whose own early education we know nothing.

Moreover, the lodgers are always waited on by the servant-girls of the house, of whose character and conduct the College authorities do not even pretend to know anything. I could say more, if needful, on this point, but I conceive it must be superfluous.*

Independent Halls.

As for independent Halls, it would seem, at the first blush, that as every master-mason, carpenter, tailor, &c., is allowed to take *apprentices*, so every M.A. should be allowed (at least under licence from the Vice-Chancellor) to open a Hall for pupils. But at present, I fear it would be hazardous. There would be a danger that men of no very high tone of morality, and of no high qualifications (the degree of M.A. being a *shadow*), would open Halls, and vie with each other in laxity of discipline in order to obtain pupils of the worst description, who have passed no *preliminary examination*.

I remember that when I first was appointed to St. Alban's Hall, there were a few men still on the books, the remnants of the system that had formerly existed there. So that I can speak from experience.

Halls connected with Colleges.

As for a Hall *connected with a College*, I know not that there is even any need of a statute to authorize any College to fit up suitably a building quite apart from the rest, and to place students there under the care of one or more Fellows lodging in the same. Suppose one of the quadrangles of Christ Church were separated from the rest by a whole street, and that there were (as *there is*, *now*) a gate and porter's lodge to each portion of building, I do not see how any one could object, or indeed that there would be any need to call it a *Hall*.

However, there was a building not far from Trinity College, which was so employed by that College in the days of a certain President Kettle, who was in high repute, and from whom the building obtained the name of Kettle-*Hall*.

As to Qu. 6. (iii.) I cannot see that the *necessary* "expenses of a College or Hall (that is well-regulated)" ought to be such as to render it desirable to admit members to the University not "belonging to any College or Hall."

It is not proposed that there should be any without "due superintendence;" therefore they must at any rate have to pay tuition fees, or something of that nature. And no man surely could live in decent *lodgings, and board there,* at *less* cost than if he had College rooms and dined at the Hall table.

DISTINCTIONS OF RANK AND WEALTH.

Noblemen.

Gentleman-Commoners.

Question 11. Undoubtedly the recognition of *noblemen* is a great error. It confounds together *academical* and non-academical rank, and is as great an incongruity as to give rank in the Army or Navy to a Master of Arts.

But I am not for abolishing the distinction (or something amounting to it) between Commoners and Gentleman-Commoners. If restrictions as to expense are laid down, such as are suitable to men who can only afford to spend from 100*l.* to 200*l.* per annum, or even considerably less, it can hardly be expected that these will be conformed to by men of ten or twenty times that income. Why should a man not be allowed a valet, or a horse, who has been always used to such luxuries, and to whom they are no more *extravagant* luxuries than shoes and stockings are to his fellow-students? And if restrictions are laid down which are in great measure evaded, or their violation connived at, there is more danger of others being drawn into expensive habits (which they can ill afford, and would fain avoid) if they belong to the *same class* which indulge in those habits.

All sumptuary laws made allowance for differences of expenditure in men of *different classes*. Their failure arose from the impossibility of classifying *property* in the *whole commonwealth*, and of *keeping* men in the classes laid down, which in a College may easily be effected.

Reasons for allowing them.

"If you *can afford* such and such luxuries, and wish for them, you must wear a silk gown, and be rated as Gentlemen-Commoners. If you decline this, you must be subject to the restrictions on Commoners."

RESTRICTIONS TO FELLOWSHIPS.

Query 10. (vi.) The restrictions as to counties, &c., in the elections to Fellowships should be greatly relaxed. This would prove an incalculable benefit to the University,

* At Trinity College, Dublin, there is not even any pretence of domestic control over those students who lodge in the town; their own friends are to see to that, as in the case of *day-boys* at a school.

and would, in fact, not interfere much with the real intentions of the Founders; but in many cases, the reverse.

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For the Founders certainly designed to *encourage learning* in the counties, schools, &c., which they thus provided for. And too often the result has been *the very reverse.*

Moreover, in many instances, those restrictions *generated one another.* If *one* Founder provided for his own kindred or county, another thought he must do the like for his, and another for his, &c. If all these Founders could be recalled to life, and it were proposed to one of them to throw open his Fellowships (suppose) to Cumberland and Westmoreland, on condition that another should open his, to Devonshire, and so on, it is likely the parties would *agree.*

It should be considered, too, that the restriction is in most instances *far closer* in practice *than the Founders designed.* For, generally, they direct that a candidate of such a county shall be selected *if* any be found *absolutely eligible;* if not, then one from another county. And the electors are to be the *judges* of the *eligibility.* I remember once describing a Foundation of this kind to a person, who inferred that the whole intention of the Founder must be, by this proviso, completely defeated; the electors being sure, he said (nothing could convince him of the contrary), to elect always the man they preferred, of *whatever* county, pronouncing the rest ineligible. How different facts often prove from conjectures! In practice it is much commoner than not, that a candidate of the specified county is elected as a matter of course, *however deficient* in other qualifications. And a departure from the Founder's will on the *opposite* side is a thing that is, I believe, totally unknown.

Preferences.

It would be, I conceive, a sufficient compliance with the Founder's design that the rule should be laid down to give a *preference* only to those of the specified county or family, in any case where the merit of two candidates was *exactly balanced.*

Check on provincial partialities.

To this should be added a restriction (which, practically, goes to *open* the Fellowships the more) that the number from any one county should not *exceed* such and such a proportion of the whole. This is needed as a check on provincial partialities.

In Oriel College such a regulation exists, and extends to Middlesex, from which no more than four Fellows could be admitted. But I think the *metropolis* might be excepted from the rule, as there can *never* be any partiality in *its* favour.

Limitation on tenure of Fellowships injurious.

I suspect from the wording of some of the queries that some persons have offered, or are likely to offer, suggestions for the limitation of the Fellowships in time; as is the case now at Wadham, and the Mitchell Fellowships of Queen's.

I conceive that this would greatly impair the practical value of a Fellowship, without making much difference as to the succession.

At Oriel, *e. g.*, the ordinary and average time that a man holds a Fellowship is, I believe, shorter than at Wadham, certainly very much shorter than the *time fixed* at Wadham.

But a man who has no thought (as few have) of sitting down on a Fellowship for life, yet derives a great *consolation* from the reflection that *if* all his other plans of life fail,—if nothing more desirable turns up,—he at any rate has his Fellowship to secure him a decent maintenance and a respectable position. He cannot be thrown at middle age upon the world (except through imprudence of his own) to seek his fortune.

I suspect, hardly any man who is elected to a Fellowship which he may hold for life, would exchange it for one of half as much more, limited in time, even though he should not at all contemplate holding his Fellowship even for so long a time. It gives a feeling of *safety* to feel that the island on which he has landed, though he does not *mean* to make his permanent abode there, will not be overflowed by the sea, but *may* be used as his place of refuge as long as he will.

Evil of separate foundations in the same College.

And he will be likely to feel a much more lively interest in the concerns of the College when he is to remain, *as long as he pleases*, a member of that Corporation.

Some Colleges are what may be called *federal;* distinct foundations for different sets of Fellows, all of whom do not take part in all elections. I recollect the cases of Queen's, Pembroke, and Worcester. I should say that either all the Fellowships should be *thrown together*, or else the Colleges *divided.* It would be, for instance, much better that Worcester should be divided into three perfectly distinct Colleges, than that it should remain in its present state; best of all, perhaps, that all should be thrown together. The inconveniences of the half-and-half condition are obvious, and there is no one advantage to counterbalance it.

Answers from W. R. Grove, M.A., F.R.S., of Brasenose College, Oxford, Barrister-at-Law.

W. R. Grove, M.A., F.R.S.

SIR,

I HAVE to acknowledge the receipt of suggestions forwarded by you on behalf of the University Commission. My occupations have not left me sufficient leisure to examine those portions which apply to the existing statutes and powers of the University. I will therefore confine those observations which I venture to make, to the queries which apply to contemplated or possible changes.

EXPENSES.

As to the 1st query, I think the ordinary University expenses should be diminished, and that stringent means should be taken to restrain extravagant habits. I would allow *no* credit to be given to an Undergraduate by any tradesman at the University; if this be thought too rigid, I would allow no credit for a longer period than the expiration of the current term, (reckoning the two short terms as one). Tradesmen to report at the end of the term, or before

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Legislative interference.

the commencement of the next, all arrears unpaid, and by whom, and to give no fresh credit to pupils in arrear; the pupils themselves incurring debts, to be dealt with by the authorities of their Colleges, as for other breaches of discipline, and if necessary, communication to be made to the parents or guardians. I believe, however, in practice, this would be more troublesome than the forbidding all credit, and I see no valid reason against such prohibition. If the discommoning or other powers at present possessed by the University be not sufficient to effect this, I would seek legislative aid to increase them.

With regard to credit procured at London, or away from the University, it is more difficult to deal with, and I cannot see that in this respect much can be effected, though I think there is less danger from this source; it is the immediate temptation that produces extravagance.

College interference.

When, however, any cases of extravagance became known to the College, I would deal severely with the delinquent, and communicate with the parents or guardians; and in flagrant or repeated instances, rusticate or expel. I would also have it understood, as a wish of the University, that parents and guardians should avail themselves of the present legal means of resisting claims on minors, for other than necessaries; and on its being publicly known that such was a wish of the University authorities, parents would feel less delicacy in pleading infancy to actions brought for improper debts, and a check would thus be put on encouragement to extravagance by fraudulent tradesmen.

Discipline.

With regard to the 2nd query, I am not at present sufficiently acquainted with the powers possessed by the University for enforcement of dicipline, to answer this with any confidence, but my impression, resulting from the recollection of what I saw, when a resident member of the University, is, that custom had induced a laxity in the enforcement of the existing powers, and that this was rather the defect, than that the powers themselves were deficient. I would, however, when all outward conduct was regular, and there was no breach of public decorum, or of College or University discipline, avoid, as much as possible, all powers of an inquisitorial nature, as calculated to produce craft, suspicion, and dissimulation, and leading to little or no beneficial result.

I pass to query 6.

University Extension.

Section 1. This is rather a financial question. If the means can be found, I see no possible injury which can result to the efficiency of general education, by the increase of Halls; I should prefer their being independent of Colleges, subject only to University control. They would be less trammelled by incidents of past association, while they might have all the benefit of those results of which experience has clearly proved the advantage.

Halls.

Private Houses.

Sec. 2. I should much prefer increased College or Hall accommodation to the lodging in private houses, but if the former is unattainable, I think it better to extend the benefits of an University education, by increased private lodging, than to keep it restricted.

Students not attached to Colleges or Halls.

Sec. 3. This proposition presents many difficulties, it would divide Undergraduates into two classes, and create (I think unavoidably) a prejudicial antagonism, and a different stamp would be placed upon each of the two classes. My opinion is against it. I should prefer the object to be attained by other means, for example, by diminishing as much as possible the expense of an University education, but making such expense to be shared equally by all who had not by their attainments earned exemption or reward.

Attendance of strangers on Professorial Lectures.

Sec. 4. As far as I am able to judge of its effects, I am against this proposition. I think the Universities should be confined and adapted to the pupillary state, and the introduction of strangers (if I may be allowed the expression) as learners, would have a prejudicial effect on the discipline and studies of the University, importing worldly views which had better be learned afterwards, and inducing desultory thoughts and habits. I also think that the advantages to be afforded by such provisions to the strangers themselves, might be equally well, or better, procured by them in other quarters.

Matriculation Examination.

Sec. 7, 8, 9, 10. I think that youths coming up to matriculate, have scarcely characters sufficiently developed for a *public* examination, if such is meant by the query, and that it would be an undue advantage to the boys from public schools, and an undue disadvantage to those of nervous temperament, or diffident character; but a close College investigation, both as to attainments and character, I think highly desirable and necessary, and that more specific attention be given to the *individual* pupil, than has hitherto been done, and the course of his studies modified accordingly, as far as is consistent with the necessary uniformity of all educational establishments.

Professorial System. Physical Sciences and Modern History.

I do not quite understand what is involved in the term *combining* the Professorial with the Tutorial system. That a great increase in the studies usually comprehended within the professorial range is desirable, I have not the slightest doubt. I am decidedly of opinion, that Physical Science and Modern History should be deemed essential parts of an University education. Such College Fellowships as are at present unconnected with Tutorships, I would convert into College Tutorships for teaching those branches of knowledge, now exclusively within the domain of the Professors, and would suggest that these Fellows should have regular classes, some of which every Undergraduate in the College should be obliged to attend, and in which such branches of knowledge should be respectively taught.

The teaching by lectures, in the form of discourses, I would leave to the University Professors, and at later periods of an Undergraduate's career I would require certificates of attendance, at one or more of such courses, in each term.

The increase of the number and endowments of Professors beyond that which I have indicated, and the providing for them retiring pensions, is, I think, highly desirable, but its extent must depend upon so many contingencies, that without having a very definite scheme before me I cannot venture an opinion as to its limit.

Restrictions on Fellowships.

In carrying out the suggestion I have made, of the application of Fellowships to Tutorships of Sciences, &c., I am aware that great difficulties will arise from the trammels of existing

endowments. I think it is, however, time, that these difficulties should be met, and legislative aid required to modify them: if the Colleges do not lose their existing endowments, but merely have them rendered more practically useful, I see no reasonable ground for doubting, that the consent of Colleges, and of the legal representatives of the original founders of Fellowships, may be obtained, to strengthen and support application to the legislature for such objects. *W. R. Grove, M.A., F.R.S.*

I would have no limitation or disqualification as to University Professorships, further than the necessary ones of character, attainments, and age. I would, as to such College Fellowships as I have suggested, get rid of disqualification, as far as can reasonably be done, having regard to the beneficial interests vested in the Colleges, if they should be unwilling to forego these advantages.

I would not make marriage a disqualification for Fellowships, but would, when necessary to limit the enjoyment of them, make that limit a term of years. Marriage of Fellows.

I would include the whole of an ordinary University education in three years, and would propose three public examinations, one at the expiration of each year. The first, something analogous to the present Responsions, Greek and Latin, construing and parsing, one book of Euclid, a certain portion of Arithmetic, say to decimal fractions inclusive, Algebra, to simple equations inclusive, English History, and English and Latin composition. Proposed course of University Studies.

The second examination, Greek and Latin, with different books from those employed in the first examination, and a more comprehensive knowledge of them. Euclid, four books. Plane Trigonometry. Ancient and Modern History, using as text a single standard work on each subject. Some portion of Blackstone's Commentaries. Physical Science, comprehending

1st. Physics: a knowledge of the movements and character of the celestial bodies, the meaning of Latitude and Longitude, Parallax, &c., the fundamental laws of Mechanics and Hydrostatics; an acquaintance with the principles of ordinary scientific instruments, such as the Telescope, Air Pump, Steam Engine, Barometer, Quadrant, Electrical Machine, Voltaic Battery, &c.

2nd. Chemistry: comprehending a description of the character of Elementary bodies, the general laws of chemical combination, and the meaning of Distillation, Sublimation, Specific Gravity, with a knowledge of the primitive forms of Crystals, &c.

3rd. Physiology: comprehending the knowledge of the circulation of the blood in Animals, and of the sap in Vegetables, the functions of assimilation, nutrition, respiration, and secretion. The organism and functions of the principal organs in the animal body, as Heart, Lungs, &c., and in vegetables, of the Root, Trunk, Leaves, and Flowers,

I have suggested an acquaintance with ordinary physical instruments, rather than with the principles of the sciences, for the elucidation and application of which they are employed, because, I think, that rudimentary laws and phenomena may be more easily and better learned through these means, than by a more formally didactic system.

The laws of reflection and refraction of Light, &c., are necessarily learned in studying the Telescope or Microscope, and so of the rest, and the mind is thus led to take more interest in the sciences, to obtain more vivid impressions, and consequently, better to retain such impressions; there is, moreover, great practical utility, in a familiarity with the instruments themselves. These details may, however, be varied, but I cannot too strongly urge on the attention of this honourable Commission, the importance of making a knowledge of physical science, an essential branch of an University education.

Few educated men will be found, who, if they have not early studied Physical Science, do not regret such omission, and none will, I venture to believe, be found, who, having had their attention early directed to it, think their time has, in this respect, been misapplied. The value of Physical Science.

I have had some difficulty in forming an opinion, as to whether an acquaintance with any modern language should be a *sine qua non* for Pass-men. My difficulty proceeded, not from any doubt as to its value, but from its being impracticable for Pupils while at the University to acquire any adequate knowledge, of even a single modern language; and the usual school instruction, is in this particular, at present, of the most slender and valueless kind. I think, however, I would make some knowledge of French essential, it being the language of conversation throughout Europe, and without it, no man can be said to possess the education of a gentleman; it is also the language into which every continental work, not translated into English, is translated—less valuable than German or Italian as a mine of literary wealth, it is practically more valuable to the average of mankind, as an accomplishment and a key to knowledge. Modern Languages. French.

This second examination, I would make the substantial educational test to Pass-men, and though the points I have named may appear to extend over a somewhat wide field, I think them all within the grasp of ordinary minds, and all involving necessary fundamental knowledge; I have no doubt, that when school education is directed to them as preparatory to the University, they would be easily attained by all such as ought fairly to be entitled to an University degree.

The third year, I would devote to a speciality, allowing (within prescribed limits) the Undergraduate to choose his subject, say, Law, Medicine, Physical Science, History, as introductory to diplomacy, &c., and let the examination be confined to the selected branch or branches. Third Year.

I would grant no degree until this third examination be passed, otherwise, many Pupils would leave the University too soon. If, however, it is judged otherwise, there is nothing in this plan, to prevent the first degree being conferred at the expiration of the second year, and the second at the expiration of the third year. For Pupils aspiring to honours, I would give the option of deferring their last examination and degree, for half-a-year, or at most, for one year longer, and would, of course, assume a much higher standard, and give the option of a Degrees.

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larger range of subjects, having several divisions and honours attainable in each, such honours being practically stepping-stones to College or University Professorships or Tutorships, or being made to minister to a subsequent worldly career, as may suit the views of the Pupil, his parents or guardians.

In the plan which I have briefly sketched out, I have endeavoured to give a fundamental standard for those most essential branches of knowledge which should be learned by all, and then, without interfering with such general knowledge, to enable the Pupil to have his mind thrown into the channel which he is subsequently to pursue, this latter portion of education supervening at a period, when all have, or ought to have, some definite view as to their future pursuits. Assuming the average age of matriculation to be 19, at the age of 21 the Student's mind, should, I think, be directed to a definite career, and it appears to me better, that the mind should be guided, under proper superintendence, to the objects likely in future life mainly to occupy attention, than that at the expiration of the University career, young men should be left to gather, by their own unassisted study, that knowledge of which they will then more feel the necessity, when the means are less within their reach.

Distinctions of rank and wealth.

Sec. 11. I see no sufficient grounds for retaining these distinctions.

Private Tuition.

Sec. 14. I think private tuition bad—it leads to a system of hasty and ill-digested study, adapted solely to what are considered the pinching parts of the examination for the time being, and removing the pupil's mind from the influence of the legitimate Tutor. I would seek to attain what may be beneficial in it, by the increased number, efficiency, and remuneration of College Tutors.

The other questions suggested I have avoided, not from any opinion as to their being of minor importance, but for want of sufficient acquaintance with their present details or working, to be enabled to venture any opinion.

I have the honour to remain,
Your obedient humble servant,
W. R. GROVE.

Rev. B. Jowett, M.A.

From the Rev. B. Jowett, M.A., Fellow and Tutor and late Bursar of Balliol College, and Public Examiner.

Sir,

The information requested by Her Majesty's Commissioners, I have placed under the following heads:—

I. The government of the University, in answer to questions III., IV., V.
II. The reduction of expenses, and extension of the University to a larger number of Students, in answer to questions I., II., VI.
III. The effect of existing limitations on Fellowships, in answer to question X.
IV. The Professorial system, in answer to questions VIII., IX.

The remaining questions are answered separately.

I. *The government of the University.*

The Constitution. Hebdomadal Board.

Many evils in the present state of the University are attributable to the Constitution imposed upon it by the Caroline Statutes, which places the government in the hands of the Hebdomadal Board. The perpetual misunderstanding between that body and Convocation has greatly tended to impede useful reforms. This misunderstanding has partly arisen from the unwillingness of the Board to appoint Delegacies of Masters of Arts, which are recognised by the Statutes, and the appointment of which, in many instances—as, for example, in the construction of the recent Examination Statute—would have been very desirable. There has been, moreover, a natural jealousy that those who in general have no share in the instruction of the place, and are a good deal isolated by age and position, should have the sole superintendence of education. It is felt that little has been done for the extension of the University, and the improvement of its discipline, still less to check many real, though not perhaps flagrant, abuses. Had the Hebdomadal Board been differently constituted, I am inclined to think that the tone and temper of the University, as a Corporation, might have been altered in some of those points in which it is most open to the attacks of its enemies, and at the same time, a greater means of unity provided, and a greater barrier against religious and party strifes.

Convocation.

Were the object of these remarks on the Hebdomadal Board to balance praise or censure, it might be truly said that the retrograde tendencies of the University are at least equally chargeable upon Convocation, that is upon ourselves, as upon the Heads of Houses. Without pretending to criticize the conduct of any one, I desire only to preface these remarks by drawing attention to the inconsistency of a state of things in which either party tends to obstruct the other.

In attempting a change in the constitution of the University, the first object to be secured is its peaceful and regular administration. Any scheme which either afforded the opportunity of debating in English on the measures proposed by the Caput or Hebdomadal Board, or gave the power of moving amendments in Convocation, or separated the superintendence of the University studies from its general discipline, or which made the governing body elective, would not, I think, be an improvement on our present constitution.

One of these schemes has been so frequently spoken of in conversation, that I have reason to suppose it may be urged on the attention of the Commission. I will therefore briefly state its nature, and mention the objections which may be made to it.

A proposed scheme of a Revived Congregation.

The proposal alluded to generally assumes the form of a revival of Congregation, which is not, as now, to consist of Doctors, Deans of Colleges, "necessary" and *ad placitum* Regents, but of Heads of Houses, Professors, and Deans of Colleges, with the addition of College Tutors.

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To some such body as this the supreme authority in the University is to be transferred; its power to be exercised either immediately or through Delegacies appointed periodically from the Hebdomadal Board, the Professors, and the Masters generally.

This new House of Congregation, it will be observed, has nothing in common with the present one; the latter having no other functions besides the power of admission to Degrees. It is an entirely new institution, availing itself of an ancient name. It will be numerous enough to have all the disadvantages of a popular body, without having the sympathy or confidence of the country generally at all more than the present Board of Heads of Houses. Is it to possess the liberty of discussion or not? If so, the University will become a vast debating society, in which, as occasion offers, every Political, Ecclesiastical, and Religious question, is liable to be discussed. The unobtrusive performance of College duties will soon give way to the excitements of the House of Congregation. All the objections which can be truly urged against the revival of the Convocation of the Clergy apply with increased force to a body which would be beset with the same evils in a narrower sphere. The radical change that would have been made in the Constitution of the University would probably have the effect of plunging us into a perpetual state of agitation, of which there would be a peculiar danger at the present time.

Objections to it.

Suppose, again, according to another modification of the abovementioned plan, the newly-formed House of Congregation to elect a Caput or new Hebdomadal Board, which should have the care of preparing legislative measures, while the larger body of Congregation accepted or refused them? Here, again, new questions arise for consideration. Is Congregation to have the power of amending such measures, or not? If so, measures conceived in one spirit will be completed in another; there will be no coherence or consistency in our legislation, when, by ingenious amendments, it is in the power of any Doctor, Professor, or Tutor of College, to adapt them to his views. The analogy of the supreme legislature is out of place here, because, in that case, every measure is read, altogether, six times, besides passing through two Committees, and being regularly attacked and defended by Ministry or Opposition. Any plan of legislation which requires the safeguard of such a cumbrous process as this, is unsuited to a University.

Scheme slightly different.

If Convocation is to exist, and few would be bold enough to think of disfranchising its members (even if the separation that such a measure would cause, of the University from the country, were not a sufficient objection to it), the further question may be asked—what need of interposing another *silent* body between it and the Hebdomadal Board to complicate our legislation? Some such body, it may be thought, is alone suited to elect the Government of the University. This leads to the consideration of the gravest objection against this or any similar scheme—the evil of governing the University by an elective body.

Objections to scheme proposed.

1. Whether the body to be appointed are elected by Convocation or by Congregation, or delegated by the Hebdomadal Board or the Professors, the mode of election inevitably places the government exclusively in the hands of the majority. No one wishes that the government should be placed in the hands of the minority, nor can any scheme be devised by which this becomes practicable. But notwithstanding this, in a University it may sometimes happen that those who are the minority in opinions are possessed of the greater share of intelligence and talent; a form of government which entirely excludes them from a part in its administration, even proportioned to their numbers, seems, therefore, peculiarly unjust and objectionable. It will still more often happen that this minority will have the sympathies of the world without, and the governing body which has excluded it, while in name popular, may be unpopular everywhere except in the University itself.

Evils of elections.

2. The great evil of contested elections is too obvious to need illustration. I am convinced that after a few years' trial of them we should all wish to restore what has been termed the "stable oligarchy of the Hebdomadal Board."

Do we desire to place the University in a hostile relation to public opinion at large? In no way are we more likely to do this than by the creation of such a body as that above described. The public wants quiet, and cheap education, and extension of studies, and to bury for ever our ecclesiastical differences; the last we are likely enough to revive, if we open a new field for the contests of party.

Scheme proposed.

In reference to the Constitution of the University, I think the least change likely to be the best and most effectual. If, in other parts of the system, great changes are necessary, here it seems prudent to conserve as much as possible. The simplest change that occurs to me is to retain the Hebdomadal Board, with the addition of the Professors. In making such a suggestion I look forward, as a part of any scheme of University reform, to an extension of the Professorial system. Some of the advantages of the plan are, that it at once secures the Professors the rank in the University to which they are entitled, that it avoids the exclusiveness in the government, as well as the other evils of an elective body, that the discipline of the University, and the superintendence of its studies, are thus retained in the hands of the same persons. Two objections may be urged against it: first, that the body thus created is too numerous for the efficient discharge of business, and secondly, that Tutors of Colleges, and other Masters, are wholly excluded from it. Both objections may, however, be met by the proposed Hebdomadal Board appointing Delegacies of Masters to deliberate on special matters, or to take in hand particular departments of business, in accordance with the (hitherto neglected) provisions of the present statutes.

Hebdomadal Board of Heads and Professors.

We stand in need of many changes, but not, I think, of greater legislative powers. The changes at present required are such as have become necessary, from lapse of time, in Institutions that have not the power to amend themselves. We are not to infer from this that the University needs to continue for ever legislating, or that it is well to form a constitution which will give the greatest facility for such an object. When these desirable changes have been once obtained, it is to be hoped that we may return to our natural state, and an opportunity be afforded for the fair trial of an experiment. It is for this reason, amongst others, that I should object to the

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appointment of a separate Board to preside over studies and education, because, having no other employment, its perpetual temptation would be to legislate rather than administer.

Such a plan would have the effect of placing the real power in the hands of the Hebdomadal Board, while it would lead to a perpetual conflict between the two authorities.

Proctors.

Proctors.—The present mode of electing the Proctors has certainly answered the purpose for which it was originally designed—of avoiding strife. I think both the office and the mode of election might be advantageously retained as at present, with the following changes:—1. A correction of the cycle, so as to apportion the number of turns which each College receives to the average number of its Undergraduates. 2. Abolition of the restriction of the office to M.A.'s of not less than four, nor more than ten years' standing, on the general ground that where it is difficult to find fit persons for an office at all the fewer the restrictions the better. 3. Abolition of the absurd regulation by which the Proctors are made to share in the decision of the University Prizes.

II. *The reduction of expenses, and extension of the University to a larger number of students.*

Expenses.

The expenses of an University education may be divided into—

1. College expenses charged in battells.
2. Other miscellaneous expenses.

College expenses.

1. The battells of an Undergraduate at Balliol College vary from about 65*l.* to 85*l.* a-year. Of this, 12*l.* may be reckoned as the average rent of rooms, 22*l.* 8*s.* tuition fees, paid only during the three years of residence; the remainder pays for bread, butter, beer, meat, vegetables, coals, and servants (the latter, with the exception of about 3*l.*, not charged in battells). In this sum a reduction of 5*l.* or 8*l.* a-year might be effected by putting the servants on fixed salaries; certainly not of more.

Modes of reducing other expenses.

2. The greater proportion of the expenses is not charged in battells. In reference to these, the advantage which might be gained in providing for numbers is lost sight of in the management of a College. I would suggest—

α. That all articles of provision, such as wine, milk, tea, &c., should, as far as possible, be supplied by the College, without profit of course, as a means of lowering the price, and doing away with the system of credit, as well as placing the expenses of Undergraduates more immediately under the control of the College Tutor.

β. That tradesmen should be required to send in their accounts before each of the three examinations; if not then paid, they should be further required to stop the Candidate from proceeding with his examination by a notice to the Proctor; in case either of these requisitions were not complied with, the debt should be afterwards made irrecoverable, and the tradesman liable to be discommoned.

Money-lending.

γ. It is very important, if possible, that means should be taken to stop the practice of money lending, to which I beg to call attention, though unprepared to offer any suggestions on the subject.

No one supposes that measures of this kind, however desirable, will have the effect of putting an end to extravagance. Special means can do but little, if the temper of a society is averse to their enforcement. Where young men read they will not be extravagant; but they will not read unless they have good lectures, and the place in which they are wears the aspect of study. Reduction of expenses depends therefore first on parents, who ought not to grudge the penalty they naturally incur if they have ever encouraged their son's moving in a rank of society above him. Secondly, on College Authorities, who are not to be considered responsible for each individual case of gross extravagance which may unfortunately happen, but are responsible for the character and habits of their Undergraduates and for the instruction given them. Thirdly, on the tradespeople, who are often indiscriminately condemned, on every occasion that they chance to appear as creditors in the Insolvent Debtors' Court, but are really answerable for their mode of conducting business, and the temptations and facilities of credit which they hold out. Any system which punishes a tradesman severely should also protect him as well as the Undergraduate against debts.

College Authorities in some degree responsible for extravagances.

No sumptuary laws, or parental or tutorial care, can so reduce the expenses of a College life as to bring the University within the reach of a much greater number of students than at present. The sum required for College expenses could scarcely be brought below 60*l.* a-year. The greatest economy could not bring the whole expense to less than 100*l.* or 120*l.*, while the average allowances of young men at Oxford probably vary from 200*l.* to 300*l.* a-year. The lowest of these sums appears high when it is remembered that the period of residence extends only over about 27 weeks in the year. The Universities can never become National Institutions while they are confined to persons who can provide an income of from 100*l.* to 200*l.* a-year. This leads us to consider the possibility of University extension, and first to inquire whether there are many persons who are now excluded and would be benefited by a University education, as well as the manner in which they are likely to receive benefit from it.

Minimum expense under actual system.

University Extension.

Persons now excluded.

I. (1.) There are the sons of the clergy.
(2.) There are Dissenters.
(3.) Poor students.

Poor Students of the lower classes.

This last class would be greatly increased, if the middling and lower classes had better opportunities of previous education. Classical learning has hitherto formed the staple of our University studies; it is well taught nowhere perhaps except in the great public schools, which, with few exceptions, are confined to the children of the rich. Probably in the whole country not more than 5,000 or 6,000 receive such an education as forms a real preparation for an University course.

The cathedral schools and small educational charities of England afford abundant resources for such an object if better applied, and placed under proper visitation. Good schools might be

formed by the combination of several endowments and the opportunity given of boarding at a reasonable expense. *Rev. B. Jowett, M.A.*

I mention this, because, although at first sight it appears foreign to the subject of inquiry, I feel convinced that defect in previous education is the real limit to any useful extension of the Universities, at least, unless their system of instruction were greatly changed.

Further, if opportunities were offered for the study of the physical sciences at a small expense, and liberal encouragements held out in the way of prizes and scholarships to students in these branches of knowledge, a new class of persons would, doubtless, eagerly demand admission, with great advantage to themselves and their fellow students.

Supposing that a great reduction could be made in the expenses of a University education, and that this could be combined with an improvement in our cathedral and foundation schools, and with extension of the studies of the University, I think we may reasonably conclude that there would be no want of poor students desirous to avail themselves of the measures proposed for their benefit. To which class may be added, 2. the sons of the clergy who are too often hindered by expense. 3. Dissenters, if the difficulties attending subscription could be removed. Sons of the Clergy. Dissenters.

II. The benefits that might be expected to result from such an extension, besides the advantage of extending education itself, are,— Benefits of University extension.

I. The possibility of supplying an increased number of clergy, the need of which is more and more felt and very imperfectly met by Theological Colleges.

II. The means that would be thus afforded of providing a better class of schoolmasters, and thus raising education throughout the country.

III. The advantage of opening to the lower and middle classes an honourable way of advancement in life and the means of entering the professions.

The means by which the extension of the University is to be accomplished are the next question for consideration.

In reference to plan 2 proposed by the Commissioners, it may be observed that the want of room is not the real difficulty in the extension of the University. Private lodgings.

The more popular Colleges, it is true, are full to overflowing at present, but they would not be induced to increase their numbers by a permission to Undergraduates to lodge in private houses. Neither would such a measure diminish the expense if Undergraduates were required to battell in College.

In reference to No. 3, it may be remarked, that great advantages may certainly be derived from residence in College under the superintendence of a tutor, which are thus thrown away. No doubt it would be possible for a student to live more cheaply than at present in a small lodging, (chiefly because he would feel that no regard for appearances was necessary,) but not so cheaply or comfortably as, with good management, he might be provided at a common table. From what I have heard, I imagine that the experience of the Scotch and German Universities is not favourable to such a plan.

It may be fairly said, on the other hand, however, that the permission to live in lodgings does not necessarily involve the introduction of the comparatively lax discipline of a foreign University. Objections on this score might probably be met by a proper system of University regulations: and it must be allowed that the plan of lodging in the town is free from two difficulties which beset almost any scheme for Poor Halls. First, the evil, or probable evil, of making a distinct caste of the class of men who are educated at Halls, as compared with those educated at Colleges. Secondly, the difficulty of employing the College property for a purpose to which the Colleges themselves are either opposed or lukewarm, and which, nevertheless, they would be naturally engaged in carrying out.

Permission to noblemen, and men of large fortune, such as at present form the class of Gentlemen-Commoners, to reside with private Tutors in the town would be of great advantage, and would meet many of the evils which at present attend their University course. Some of the most distinguished Professors would, I think, be willing to receive such pupils into their houses, and offer, in some degree, the same kind of advantage as that of which, a generation back, several eminent persons availed themselves at Edinburgh.

In reference to No. 4, I see no objection to allowing strangers to attend Professors' Lectures. The formal certificates had better perhaps not be given, 1st, because of the evil it might occasion, of introducing into the University a great number of persons not under its control, and also because the name of a University education might thus be obtained without the reality. Attendance of strangers on Professorial Lectures.

The benefits of a University education cannot be thought to consist merely in the acquirement of knowledge, but in the opportunities of society, and of forming friends; in short, in the experience of life gained by it and the consequent improvement of character. With many, a College is their first means of introduction to the world. Advantages of this kind cannot be wholly secured to the poorer student, although he most stands in need of them, yet they should not be completely lost sight of. With a view to their attainment, it may be suggested, that all distinctions of dress, name, &c., as well as any imposition of menial offices, should be avoided. The poor student should be scrupulously treated as a gentleman. We hope that "the great business of the University" would still continue to be to educate "English gentlemen," not the priest-gentlemen of Catholic seminaries, but men of simple manners, who felt that there was no shame in entering on a course in which learning and usefulness would be the only claims to distinction. Real benefits of University education to the lower classes.

These remarks are made under the impression that the success of any scheme for the comprehension of a greater number of students must depend mainly on the spirit in which it is carried out. The day of condescension and charity has passed away; eleemosynary assistance could never have been the means of providing education except for the clergy, and this in the worst way. The colleges, it is agreed on all hands, are intended for poor students; ought they not to do something more than at present for the education of the lower and middling classes as a matter of duty and justice?

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The plan No. 1 suggested by the Commissioners of establishing new Halls in connexion with the Colleges seems, on the whole, most likely to attain the desired end.

The details of such a plan might be filled up as follows:—

Halls in connexion with Colleges.

Every College might be required to open a free Hall for a certain number of students in proportion to its revenues.

The building for such Hall to be provided and furnished by the College.

Fellowships appropriated for the use of Halls.

The tuition to be supplied by the College, which might be required to annex a certain number of its fellowships for the use of the Hall.

The Lectures in the College might, in addition, be free to members of the Hall.

The students to be furnished with a single separate apartment and to have their meals at a common table.

The control of the Hall to be vested in the College, or, if the College refused its co-operation, the necessary funds to be placed under the control of the Hebdomadal Board, or of the Crown as Visitor of the University.

Calculated expense in such a Hall.

Upon some such a plan as this, it is calculated that the entire expenses of living, including washing and servants, need not exceed 30*l.* a-year. Supposing that a small additional payment of five pounds a-year were taken from the students to increase the stipends of the tutors, and five pounds added for books, the entire expense of education would not exceed 40*l.*, to which, if we add 20*l.* for clothes and travelling, the total will amount to about 60*l.* a-year.

Scholarship and Exhibitions.

This sum again might be indefinitely reduced by increasing the number of scholarships and exhibitions, and improving the value of those which exist. Such scholarships to be quite open and given away by examination, without regard to the pecuniary means of the Candidates.

Answer to objections.

It may be objected to the above scheme that it involves far too great an encroachment on the rights of College property. In answer to such an objector, I would ask, whether it is probable that sinecure Fellowships will be allowed to exist 10 years longer, considering the precedents afforded by the Ecclesiastical Commission and the great wants of education, especially among the middle classes. To attach useful duties to them is the only way to save them. For the purpose of tuition, no College, except perhaps one or two of the largest, can stand in need of more than 10 Fellows. I should hope to see such a a change made in the uses of the College revenues, as will at once place them for ever on a sure foundation by linking too many interests with them to make it likely that they would ever hereafter be liable to schemes of spoliation.

Sinecure Fellowships no longer possible.

It may be further said, why have recourse to compulsion when the object can be so easily attained by the voluntary exertions of the Colleges themselves? I would, therefore, point out that the Colleges have no interest in making the attempt; their own Undergraduates will be in no way benefited by it. It is true that at present there is nothing to hinder them from founding Halls for poor students, except the will, but as the will has been wanting hitherto, it will most likely continue to be so, as the enterprise calls for a large outlay of their corporate funds which have perhaps been reserved for some other purpose.

It will also be said, that individuals will readily enough supply the want if a fair opportunity is given them. But individuals without endowments cannot compete with richly endowed Colleges, and will seldom embark in so perilous a speculation unless instigated by some other object besides the desire to promote University extension.

Objections to the scheme of independent Halls.

To rely on a mere permission to open Halls as a means of extending the University appears to me altogether illusive. First, because there are very few persons (as those resident in the University are aware), not already engaged as Tutors or Professors, or soon likely to become so, who would be competent to fill the position of Head, or Tutor of a Hall. Secondly, because if there were they would be dependent on their Halls for a means of livelihood, which would necessarily tend to raise the expense, at the same time that the Head of the Hall would, in any case, have an income much smaller and more precarious than that of the Under Master of a public school. Thirdly, because the Colleges would gather into themselves all the ablest young men; and the undergraduate members of the Halls would be the class least able to avail themselves of professorial instruction, and most needing individual assistance. Fourthly, because it seems to me very difficult to provide security for fit persons only being made Heads of such institutions. I quite agree in thinking that the University is at present fettered and trammelled through the Colleges; the way to meet this difficulty is mainly to improve the Colleges themselves, not to raise up by their side unendowed, mushroom institutions, inferior to them in position, in means, and in learning.

Dissenters.

Dissenters.—I see no reason why Dissenters should not be admitted at Halls, or (with the consent of the authorities) at Colleges, and allowed to hold scholarships and proceed to the B.A. degree. The present time, when there appears such an absence of hostility between Dissent and the Church, is peculiarly favourable for making the change. There would be small reason to expect that the Dissenters would ever become the majority of our students, while, by their admission, the Universities would more truly be made a National Institution, and the scandal done away of requiring youths of eighteen to sign the XXXIX Articles.

VII. *The effect of the present Restrictions on Fellowships.*

Restrictions on Fellowships.

The extension of the University to a larger class of students, is closely connected with the restrictions on Fellowships. Unless these are removed a fair inducement to come to the University is lost.

Number of Fellowships, 540.

The number of Fellowships in Oxford is about 540. The annual value of each is extremely different at different Colleges. An average may perhaps be struck at 200*l.* a-year, including commons, rooms, and other allowances, which gives a total on the whole number of 108,000*l.*

Open Fellowships, 20.

Scarcely any Fellowships are absolutely free from restrictions; not more than 20 are free from local restrictions, and at the same time given away as the reward of merit.

Local restrictions.

The plea often urged against interfering with these local restrictions, is the sacredness of

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Founders' wills. Without enlarging on so trite an argument, it may be remarked, 1st, That a greater change was made in the Statutes by Act of Parliament at the Reformation than any which is possible now. 2nd. That the alteration in the University system which was completed at the beginning of the present century, did practically do as much violence to the letter of the statutes in its provisions respecting education, as the Reformation did to the religious ones. We have twice violated the Founders' wills, if such a figure of speech may be allowed, and cannot now appeal to them in favour of restrictions which are obviously injurious.

Founders' wills twice virtually set aside.

The several classes of restrictions on Fellowships may be summed up under the following heads :—

1. Restrictions of place, schools, or Founders' kin.
2. Restrictions of property.
3. Restrictions to Candidates taking orders; to which must be added a further limitation from corrupt and interested elections.

I. Many modes have been devised for remedying the first of these evils. It has been sometimes thought that, if the College statutes were more strictly enforced, many of the Fellowships might be at once opened. It is believed, that an examination of the statutes would generally show that very little latitude was left, and that a closer interpretation of them was as much in accordance with their spirit as a more liberal one. There is, certainly, the strongest obligation on all societies to open their fellowships as far as possible: this, however, rests rather upon general grounds than on particular provisions of their statutes. And it must be allowed, that in cases where Fellowships have been thrown open, there is a considerable drawback to the public advantage in the appearance of wrong done to expectant individuals.

II. Another plan proposed is, to obtain an enabling Act from Parliament to get rid of restrictions, in the case of an individual College, with the consent of the majority of its Fellows. The objections to this plan are, 1st, the difficulty of obtaining the consent of a majority of the Fellows, where the change is most needed. 2ndly, the further difficulty created by restrictions to schools or kindred, the doing away of which by a private Act of Parliament would be a great hardship.

It will be convenient to consider separately the different kinds of restrictions. 1. Places. 2. Schools. 3. Founders' kin. Premising only as applicable to them all—

i. That Fellowships should in no case be connected with Scholarships.

ii. That Fellowships and Scholarships should never be given away without a previous examination, as a test of the merits of the Candidate.

1. Restrictions of place.

1. Restrictions of Fellowships to places.

The best way of dealing with these would be to give them up entirely, as is believed to have been the case with several Colleges at Cambridge; or, if this measure is thought to be without sufficient legal precedent, a *ceteris paribus* preference might be reserved for the natives of particular places, while all persons, without distinction of birth-place, were allowed to become Candidates. While, on the one hand, it may be conceded, that this reservation would soften the opposition of many, and also that it would open the Fellowships enough for all who were really deserving of them, on the other hand, great objections may be urged against so ambiguous a provision as a *ceteris paribus* preference to particular counties. It would be absolutely necessary to require that all Candidates should pass the same examination, and at the same time a great hardship that they should be weighted differently in the race, not to mention the injustice they might be exposed to from the various opinions of the Electors respecting the meaning of the statutes. A third plan proposed, viz. that of opening Fellowships at any particular College, as, for example, Magdalen or Corpus, to all the counties collectively which are mentioned in the statutes, is liable to great objection from its partial operation. The dioceses of Lincoln and Winchester would thus receive far more than their fair share of the endowments, while the natives of other parts of England, as for example the county of Middlesex, persons born abroad, or in Scotland, Ireland, or the Colonies, would be almost wholly excluded from them. Those who are resident in the University are aware that this is felt to be one of the greatest evils in the present distribution of its revenues.

2. The restrictions to Founders' kin.

2. Restrictions to Founders' kin.

The chief instances of particular provisions in favour of Founders' kin are in the Craven University Scholarships, and the Fellowships at New College and All Souls.

The restrictions on the Craven scholarships at Cambridge, which are a similar foundation, have long since been removed. The Craven scholarships at Oxford are by custom confined to Commoners; this is one of the few restrictions which has a good effect as an encouragement of merit. It is, however, a great misfortune that about half of them are without refusal claimed by the kindred of the founder.

Craven Scholarships.

The preference at New College to the kindred of the Founder (who are never superannuated at Winchester) has the effect of further narrowing a close foundation.

New College.

The preference at All Souls consists only in the admission of Founders' kin as Candidates, even when not born in the province of Canterbury; and in the admission of them to actual Fellowships immediately on their election, an anomaly which, although singular, cannot be said to be attended with any ill effects.

All Souls.

3. Restrictions to particular schools, are, in some respects, more injurious than the local ones. It is an objection that may be urged against all close Fellowships that while they are not rewards for previous efforts, they afford a provision to the owner of them just sufficient to prevent his exerting himself to gain anything more. Fellowships confined to schools tend to cause the additional evil of a narrow circle of society. At the age of 17 or 18 a boy comes up to New College or St. John's, is welcomed among his old schoolfellows, and lives almost isolated from the rest of the University. It inevitably follows that his school life reproduces itself at College. Parents often repeat that the election of their children at New College is a doubtful good to them.

3. Restrictions to Schools.

New College.

Notwithstanding these evils, few persons would be willing to give up the associations of Wil-

Proposed scheme.

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liam of Wykeham or the glories of King's College, Cambridge. Feelings of this kind might be met by such a change as the following:—

1. To separate, as in other cases, the Scholarship from the Fellowship, or the Undergraduate from the B.A. Fellowship.

2. To elect to either from the whole school without distinction of Oppidan or Commoner, from College.

3. To make the only condition of eligibility to either that the candidate should have passed three years at Winchester for New College, at Eton for King's.

The object of the plan is to afford a stimulus to the schools, and at the same time retain and strengthen the peculiar feeling for which the Colleges connected with them have been remarkable.

Merchant Taylors'. The case of Merchant Taylors' School connected with St. John's College, Oxford, is, in some measure different, as the number of boys annually sent to the University is too small for such an endowment to exercise its most beneficial influence. The evil might be remedied by opening the College to all schools in the city of London, a plan which would have the advantage of fulfilling in the main the intentions of the Founder.

Westminster. The case of the Westminster Studentships at Christ Church might be amended in the way proposed for New College and King's, by separating the Undergraduate and B.A. Students, and electing from all who had been for a certain period at Westminster School, whether on the foundation or not.

Clerical restrictions. II. Clerical Restrictions.

Nine-tenths of the Fellowships at Oxford can be held permanently only by Clergymen. Some require their possessors to be in Holy Orders at the time of election; others within four years from the M.A. degree, or within seven years from the time of election. The effect of this regulation, which partly arises from the monastic character of Collegiate foundations, has been already found most disastrous in depriving the University of the services of valuable men, and is likely to be still more so hereafter.

If half the Fellowships were freed from such restrictions, quite enough would remain to fill such College offices as could be most fitly discharged by Clergymen. It is very improbable that half the Fellows would ever be Laymen, even if they might. Residence should be enforced during two years out of every three, at any rate after a Fellowship had been held for four years, during which time it might be supposed to assist its possessor in entering a profession.

Property restrictions. III. Restrictions of Property.

In many of the College Statutes there occurs a clause making poverty one of the qualifications of eligibility to Fellowships. In some of the older Statutes it is required that a Fellow shall not be possessed of property exceeding the value of 20*s.*; in later ones, of 5*l.* These restrictions have often been interpreted to mean that a Fellow shall not be possessed of landed property exceeding the value of his Fellowship.

These restrictions are at present purely mischievous. Poor men, in the sense of the Statutes, are scarcely ever elected, though disputes often arise respecting the comparative eligibility of candidates who have wealthy relatives, or family livings in prospect, or small reversions on the death of their parents, and those who are practically in the same circumstances with them. Such disputes are a great evil, as they tend to do away with the standard of merit in the election to Fellowships, and create jealousy and suspicion. If a rich man, with many inducements to indolence, is willing to distinguish himself, and become Fellow and Tutor of a College, the interests of education cannot be better served than by placing him in such a position.

Elections from favour, IV. Elections from favour.

the peculiar disgrace of Oxford. At Cambridge, such elections are, it is believed, absolutely unknown; with ourselves, they are the disgrace and abuse of the University, happily confined to certain Colleges. Any measure of University reform that left this evil untouched would accomplish but little. It may be suggested, as a remedy,

1. That a strict examination should in all cases precede the election: the papers of the Candidates to be preserved, and referred afterwards to the Visitor or his Commissary.

2. A solemn declaration should be required of each of the Electors that in voting for a particular person they are influenced by no other motives but a regard for moral and intellectual qualifications, and the interests of education.

The objections often urged against these proposals in conversation are "the fear of destroying the distinctive character of the College," "the evil of a society formed solely of intellectual men," "the too great number of the Fellowships, if all were thrown open," &c.

The last objection may be met by appropriating a part of the revenues which support the Fellowships to other objects. Supposing the average tenure of a Fellowship to be 10 or 11 years, $\frac{540}{11}$ gives an average of about 50 to be filled up annually. It would be impossible to find

Want of Scholarships. 50 persons every year who deserved or would make a good use of a Fellowship. On the other hand, there are far too few Scholarships and Exhibitions; and we can hardly increase them too much, either in number or value, as they are a real stimulus to industry, and a great assistance in diminishing expense at the time when this is most needed.

Experience shows that exceedingly few persons are really fitted for a literary life. He who writes a bad book cannot be thought to have conferred any great benefit on society. Yet even this "fruit of endowments" seldom results from the leisure of Fellowships. To wait for a country living, and to obtain it when he is unfit for it, is the most common fate of the College Fellow.

It is impossible to avoid contrasting this misuse of property with the other side of the picture. With revenues, it has been said, greater than those of many a German principality, there is no position in Oxford in which a scholar or philosopher, or literary or scientific man, can find a livelihood sufficient for a family.

Although not connected with this subject, I take the opportunity of remarking, in conclusion, in reference to the Colleges, the great need of efficient visitation. I am not aware of any

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VISITATION.

instances in which the Visitors of Colleges have either determined or inquired into matters not referred to them for inquiry; and have never heard of any Visitor conducting an examination into the affairs of a College personally on the spot. Under this system, it can scarcely be matter of surprise that the elections to Fellowships have often degenerated into nominations of friends and relatives. Corrupt elections can only be put a stop to by the active interference of the Visitors. I would suggest the great advantage to be derived from their making a visitation in person once in two or three years; the power of visitation, unless exercised by them, being made liable to lapse to the Crown.

IV. *Professorial System.*

PROFESSORIAL SYSTEM.

The object of increasing the number and salaries of the Professors is—

Uses of Professors.

I. To induce eminent men from all quarters to take part in the instruction of the University.

The unsettled state of opinion in Oxford during the last 15 years is in great measure attributable to the want of a Professorial System. There have been "no oracles at which to go and inquire." All knowledge has been drifting towards theology; and in theology itself no satisfactory result has been attained. With a body of eminent men in Oxford who might have formed the centres of opinion and of knowledge it is not likely that we should have witnessed the changes which we have done.

II. Another object is to encourage persons resident in the University to carry on their studies with the view of hereafter filling Professorial Chairs. The College Tutor, who is in most cases waiting for a living, has no inducement to study beyond what is necessary for the preparation of his lectures.

III. To provide a superior kind of instruction for B.A.'s and more advanced undergraduate students.

Defects of Tutorial system.

At present the Tutorial System, however excellent, is far from wholly accomplishing its ends. It cannot be expected that 70 persons can be found capable of giving efficient instruction as Tutors of Colleges, or that any one can give instruction of the best kind who is obliged to teach so many subjects, and give so great a number of lectures independently of other occupations as is ordinarily the case with the College Tutor. A Professorial System affords the opportunity of raising the standard of the Teachers, and at the same time giving them the requisite leisure for the pursuit of study. The further advantage is gained of diminishing the Tutor's work, and also of stimulating him to compete with the Professor. Many persons can never be found who will teach so well as the few, while, on the other hand, there are parts of education in which individual care and assistance is needed, and the services of many are necessary and useful.

I see no reason to fear that any increased activity in the Professors will cause a collision between them and the Tutors. Difficulties of this kind will adjust themselves as they have already done, in cases where the lectures of Professors were of such a character as to collect a considerable class. In the first place, it may be remarked, that the two spheres are partly different. On many of the subjects of Professorial Lectures, the Colleges afford no means of instruction. On other branches of knowledge, such as Theology, Classical Literature, History, Philosophy, which are common to Tutors and Professors, the Professors' lectures might be reserved for Undergraduates in their third year, and for B.A.'s. In this way, it may be expected that private tuition will be in a great measure superseded for the superior class of students; also that the number of resident B.A.'s would considerably increase if the Professors' lectures afford an inducement to them to remain. To which may be added, that Professors and Tutors when engaged on the same subjects would treat them differently.

Many subjects of instruction naturally divide themselves. Latin and Greek composition, written exercises generally, would fall under the superintendence of the College Tutor, whose business it would be to take up and perfect the education of school. Ethical and Logical Science could be as well or better taught in Professorial Lectures after the first elements of them had been received from the College Tutor. The object of a Professor is not so much to obtain crowded classes, as to give a higher kind of instruction. It would destroy the character of Professorial teaching to make the Professor a Tutor to poor Students, who from their imperfect previous education stand in need even more than other Students of individual assistance.

Means of combining the two Systems.

It is neither to a system of Professors or Tutors that I should trust for improving the instruction of the University, but to both together acting in connexion with each other. To give up the Tutorial System would be to give up a great good which already exists, and is closely connected with the peculiarity of the English Universities as an assemblage of Colleges. In Foreign Universities the Professorial System has been resorted to, not from choice, but from necessity. Our wealth gives us the means of combining the two, and of carrying out the spirit of each more perfectly. The Tutor begins the work which the Professor is to take up and complete. The former will have more time for personal acquaintance with his pupils, while the latter will be freed from the drawbacks, which in a Scotch or German University destroy half the advantages of a Professorial System, and will be enabled to work more profitably from having an audience better fitted to receive his instructions.

Tests for new Professors inexpedient.

In establishing new Professorships (not Theological), it appears to me unnecessary that religious tests should be required. There seems to be no reason to fear in scientific men any peculiar hostility to our ecclesiastical institutions, while, on the other hand, their habit of mind renders them averse to such restrictions. In this way only can we fulfil the injunction which Sir H. Savile lays upon his Trustees, that they should seek for the fittest persons out of the whole world. It would be of little use to multiply Professors of Physical Science if such men as Liebig or Faraday were liable to be excluded.

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Number of Professors.—The present list of Professors, amounting to 30 in number, omits several important branches of knowledge:—

Latin.
English Literature.
Ethnology.
Comparative Philology.
Geography.

Professorships wanted.

To which may be added subjects forming part of the ordinary studies of the University, in which more than one Professor might be profitably engaged, *e. g.*, Greek, Latin, Ancient History, Modern History, Philosophy, with a similar division into Ancient and Modern, Logic. A greater division of labour seems also desirable in the Professorships of Physical Science. Considering the importance of the subject, and the difficulty of obtaining good instruction in it, a second Professorship of Hebrew is much needed.

Whence are the funds to come?

For these Professorships funds have to be provided, and yet more for those already in existence, which, with the exception of those of Theology and Sanscrit, are very inadequately remunerated. Whence are these funds to be obtained? College revenues, now so entirely disproportioned to the uses made of them, and in some instances, as at All Souls, Magdalen, and Corpus, actually burdened with extinct foundations for Professorships, are the natural sources to which we must look for the means. These might be obtained without any

College Revenues.

hardship to individuals either by the appropriation of Fellowships to the maintenance of Professors, or by a tax on the College property which the Colleges might be allowed to pay by suppressing a proportionate number of Fellowships as they become vacant. Whichever of these modes were adopted a great advantage would be gained by the Professorships being attached to Colleges, and the Professors being made College Fellows with the permission to marry. The incomes of their Professorships would thus be increased, and at the same time their services not lost to the Colleges of which they might be members. No measure would do more to improve the Colleges and harmonize the Collegiate and Professorial Systems, at the same time that it would tend to remedy a great social evil in Oxford.

Proper position of Professors.

In addition to this I would suggest, with a view to putting the Professors in their proper place (1) That they should form a part of the governing body of the University; (2) that they should have a share in the examinations, and thus acquire their legitimate influence on the studies of the University.

Mode of appointment.

Mode of Appointment.—Any single mode of appointment seems objectionable. We have the best chance of avoiding jealousies and obtaining the fittest persons for Professors by combining several. It may be proposed—

1. That Professors should be appointed by the body of Professors as at Glasgow.
2. By the Crown.
3. By the Chancellor of the University.
4. By delegates of Convocation, as in the case of the Taylor Professorship.
5. By special Electors, such as those composing the Board for the election of the Savilian Professors, which consists of the following distinguished persons: The Archbishop of Canterbury, the Lord Chancellor, the Chancellor of the University, the Bishop of London, the two Lord Chief Justices, and the Lord Chief Baron.

Best and worst modes of appointment.

The second and the last of these modes appear to me the best; that by a direct vote of Convocation would be generally considered to be worse than any of them, perhaps the worst of all, except the mode of electing the Margaret Professor of Divinity, who is appointed for two years by the B.D.'s and D.D.'s.

In cases where there were two Professors, it would be desirable to have them appointed in two different ways, *e. g.*, one by the Crown, the other by the University.

Payment.

Mode of Payment, &c.—The payments to Professors to consist chiefly of a fixed salary, partly also of fees from pupils.

Deputies.

Part of the Professor's salary, when he is past work, to be devoted to the payment of a deputy.

Residence.

Residence during term time to be strictly enforced; the requirement of it being relaxed only by a special permission from the Chancellor recommended by the Hebdomadal Board.

Remedies for inefficiency.

It is a question often asked, "How are we to obtain good appointments to Professorships? how are we to ensure even the ablest Professors working when they are appointed?" The second question must partly be answered by the first, and the first by vesting the appointment in the hands which have the most interest in the credit and success of their nominee. In cases of inefficiency competition should, with the consent of the Vice-Chancellor, be allowed to operate. Deputy Professors might also form a part of the system, whose fitness for a higher position would be thus tested. Where so few persons are qualified to compete, I should not, however, be sanguine about the effect of competition in attaining the desired object, and believe that the most effectual check would be gained by a report from the Professor of the number and subjects of his lectures, as well as of the average number of his pupils, together with a statement of his other employments in connexion with his Professorship, to be referred first of all to the Hebdomadal Board, and through them to the Privy Council, and published.

Professorial Fund.

Professorial Fund.—In addition to the increase of Professorships, I would suggest the creation of a fund to be applied to the following objects:—

1st. The appointment of occasional Professorships where the eminence of any individual in a particular department of knowledge might seem to justify it.

2nd. The purchase of scientific apparatus.

3rd. The foundation of scholarships and exhibitions, to be placed under the control of the Professors.

4th. The purchase or erection of houses to be annexed to the various Professorships.

5th. Pensions (with the obligation of residence during a part of the year) to eminent literary men, whether educated in the University or not.

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Libraries.—Respecting the Bodleian Library the suggestions I have to offer are—

LIBRARIES.

1st. That under certain restrictions the books should be lent out. The experience of the Cambridge University Library, and of many foreign libraries, shows that this can be done without danger, and with small loss compared to the immense benefit obtained by it.

2nd. That all books of reference, including sets of the Classics, and of ordinary English, French, German, and Italian writers, should be placed (as in the British Museum) in a room by themselves, which might serve as the reading-room, the cases of which should be open to all readers without the assistance of the Librarian.

3rd. That there should be a separate reading-room devoted to new publications and periodicals, which might be placed there for two or three months, and not taken out until they were bound. To these rooms Undergraduates should be admitted.

4th. That the selection of books in different departments should be placed under the Professors of different branches of knowledge, who might become the Curators of the Library. In case of foreign books some additional help would probably be still required. It cannot be supposed that any Librarian can possess the universal acquaintance with books necessary to the formation of a well-selected Library.

College Libraries are at present but little used by Undergraduates. More use would be made of them if—

1. Every library had a printed catalogue which might be sold or distributed gratis to the members of the College.

2. If a Librarian were appointed to remain in the library for two or three hours every day from whom books might be obtained without the assistance of a Fellow or Tutor.

3. The privilege of taking books out, as at Trinity College, Cambridge, might be allowed to members of the College resident in the country upon their payment of a subscription.

4. All Masters of Arts should have the privilege of access to other College libraries as well as to their own.

5. I desire to suggest, as a work of national importance, though aware of the extreme difficulty of accomplishing it, a catalogue raisonnée, according to subjects, of the Bodleian Library. In the present day, when most persons are possessed of the common books of study, the use of a great Library is in proportion to the facilities which it affords for reference. Ordinary catalogues always presuppose a knowledge of the book or author inquired for. A catalogue raisonnée, on the other hand, at once presents to our view all that has been written on a subject, and is, therefore, not merely applicable to a particular Library, but is a work of universal interest and utility.

Question VII.

MATRICULATION EXAMINATION.

α. The expediency of an examination previous to matriculation.

Such an examination, especially if combined with honorary distinctions, would afford a great stimulus to the public schools, and tend to raise the standard of the University. At the same time individual Colleges would have it in their power to place their requirements higher than the University Pass. The objection often urged that a number of persons would thus be excluded, who would fall below the standard, although four years later they might be capable of undergoing an examination for their degree, is not sufficient to outweigh the many advantages of such a measure. Some of the persons alluded to would come up in a better state of preparation, and it would be happy for others if they were wholly excluded from the University at entrance, while other paths in life are still open to them. To spend a little more time in the acquirement of Latin and Greek before he comes up cannot be thought a hardship on an older person, especially since the late change in the University system allows him a greater latitude afterwards.

To prevent the multiplication of examinations, the examination for matriculation might take the place of the present responsions.

DURATION OF RESIDENCE.

β. Residence.

I should be sorry to shorten the three years' residence which is at present required. If shortened for some, I fear that it would be shortened for all, and that to pass the last examination would soon become the exception. To save an additional year from the business of life for the purposes of education appears to me a gain which it would be suicidal to throw away.

I think it would not be wise to introduce examinations or other tests of merit after the B.A. degree.

Even to require certificates of attendance at lectures would, by compelling additional residence, prevent many from taking their M.A. degree.

Question XI.

DISTINCTIONS OF RANK.

I do not see why distinctions of rank should be introduced at College any more than at a public school. Some of them, as for example, that of "Gentleman-Commoners," are purely artificial, and exist nowhere but at Oxford. All of them naturally lead to the notion, which is in some measure true, that those who are possessed of superior rank are subjected to a laxer discipline than their Fellows. It appears improper that within the University the pupil should take precedence of his teacher. At the same time that such distinctions are abolished, I should be glad to see the increased payments to the College and University which form a part of these "privileges" also reduced.

Question XII.

STUDY OF THEOLOGY.

The great evil of Theological Colleges is the exclusive study of theology. On the other hand the advantage must be admitted in many cases, of their taking the Theological Student from old scenes of idleness and dissipation. At Oxford more encouragement might be given to theology, either by assigning it a more prominent place in the third examination, or making it the subject matter of a separate school, in which studies of this kind might be based on

Rev. B. Jowett, M.A.

a knowledge of Hebrew and of New Testament Greek. The real preparation for clerical duties would be found in the life of a country parish. Want of knowledge of the poor rather than of books is the more common defect to be supplied.

Want of learning not the common deficiency.

Question XIV.

Private Tuition.

The system of private Tutors does not appear to me to exist at present to any excessive extent. That a superior man should spend his whole life in drilling Undergraduates, or that pupils should waste their two first years, and "cram' with a private Tutor during the third, are certainly great evils, but there is no evil in a young man taking pupils for a few years after his degree, or in pupils, sensible of peculiar deficiencies from previous education, availing themselves of such assistance. The evils arising from the excessive use of Private Tutors can only be corrected, 1. By College Tutors getting up their lectures carefully, and rendering private assistance themselves; 2. By the manner in which the public examinations are conducted.

With many apologies for the abrupt and hasty style in which these suggestions are put down,

I am, Sir,

Your obedient servant,

B. JOWETT.

James Adey Ogle, M.D.

**Answers from James Adey Ogle, M.D., Aldrichian and Clinical Professor of Medicine in the University of Oxford.*

The Clinical Professor of Medicine, in compliance with the request of Her Majesty's Commissioners, forwards to them the accompanying particulars, relating to the Clinical (to which are subjoined also those of the Aldrichian) Professorship of Medicine, together with such Report of the present state of Oxford as a School of Medicine, as his position enables him to offer. He has briefly prefaced the same by such observations on some of the heads of general inquiry set forth by the Commissioners in their circular of November 18, as have suggested themselves to him, when reflecting on the matter. He is aware that they may probably be deemed little better than a string of trite truisms, but has nevertheless thought it well to record them, to give weight, if need be, to the judgment of others, who may take the same views as himself, and, in any case, to avoid the imputation of being indifferent to or of having no opinions on a matter of such grave and general importance as national education.

University Extension.

That the benefits of our national institutions should be extended to all members of the community without any restrictions, other than such as the nature of the institution itself demands, is an undeniable axiom of state policy, imposing on the state authorities, among other obligations, that of placing academic education within reach of the very many, who would be prompt to secure, but are, from adventitious causes, constrained to forego its advantages. Among such causes excessive cost is perhaps that of most extensive operation. The *necessary* expenses of University life at Oxford are not however unreasonably large; the *ordinary* expenses certainly exceed the means of the middle classes of society, to whom, for obvious reasons affecting the common weal, it is of the highest importance, that sound learning and high moral discipline should be freely and systematically imparted. Idle expenses are natural to young people of large possessions or expectations when removed from the immediate control of parents or guardians; yet such as are immoderate in the case of one individual may not be so in the case of his companion; hence positive sumptuary enactments with a view to restrain extravagant habits would seem to be inexpedient, not simply because they are for the most part inefficient, but that they are in principle unjust. Extravagant habits at school or college ordinarily have their origin in the unequal worldly condition of the young men, and the more sure mode of preventing them is the severance of the parties by distinctions of order, college, and the like. That all students should be on a footing of equality in regard to academic privileges and rights is perfectly consistent with that accidental inequality which rank and wealth occasion, and far from there being any offence in distinctions based on such inequality, it is greatly to be desired, since indeed they must always exist, that the minds of young people should be disciplined to recognise them without any sense of degradation in so doing; content in knowing that, under the free institutions of their country, the attainment of such distinctions is, under Providence, as open to themselves as it was to those who have already been successful; and happy in the practice of a duty, to which as good citizens and Christian men they are unquestionably bound. On these grounds, it seems advisable, that "the distinctions of noblemen, gentleman-commoners, and other students," should be retained, as being virtually within the option of the parties chiefly concerned, and simply of conventional usage; whilst those at matriculation dependent on parentage and that between compounders and ordinary graduates, the one, as being, in very many instances, of oppressive consequence, and the others as having no reference to the means of the parents, and both as giving pretence for class-taxation, might, with propriety, be abolished. The institution of the London University has greatly mitigated the evil of the cost and exclusiveness of the Oxford system; yet as there would seem to be no reason why Oxford should not be as open as is possible to all who might prefer its discipline, &c., the establishment of new Halls as independent societies, whereby the cost of board, lodging, &c., might be the more easily adapted to the means of the different classes of Students, discipline being secured by the surveillance of President Tutors licensed to that position, seems desirable; and especially that Students should be permitted to lodge and live in the private homes of their parents resident within the precincts of the University, amenable of course

Expenses.

Distinctions of rank.

Independent Halls.

Lodging in the Houses of Parents.

* For Dr. Ogle's Evidence as Professor, see Part II. p. 278.

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to academic discipline, and liable to all academic taxes (proper), but exempt entirely from any of collegiate charge; in any other case, the difficulty of due superintendence presents a serious obstacle to "allowing Students to become members of the University, and to be educated at Oxford, without subjecting them to the expenses incident to connection with a College or Hall."

Professorial and Tutorial Systems.

There is some confusion in speaking of the Tutorial System as opposed to the Professorial System of teaching. The College Tutor is truly the College Professor. It seems reasonable that the Head of a College or endowed Hall, to which Students by choice resort, should claim the right of determining, to whom the care and instruction of the same should be consigned: and in the event of the contemplated extension of the University by the opening of new and independent Halls, it would afford ground of honourable emulation among the Colleges, and of most creditable distinction, that this or that had Tutors of eminent character and talents; whilst to residents in such new Halls and private homes, the University Professors might act as Teachers by either gratuitous instruction, or on a scale of fees to be determined in accordance with the nature, conditions, and amount of their endowments respectively.

Constitution.

Hebdomadal Board, confined to Collegiate interests.

With reference to the government of the University by a Board claiming the exclusive right of framing and proposing legislative measures, it is to be observed, that by the constitution of the present Hebdomadal Board, the interests of those members of the several Colleges and Halls who constitute the respective corporations and enjoy the endowments of the same are exclusively represented, each member of the Board being (with rarest exception of one or other Proctor) either Head or Fellow of their respective Societies. And looking at it in another view (to be deemed perhaps of minor importance), while the interests of Theology and Civil Law are secured by the care of the Heads (Graduates in one or other of these faculties), and those of Arts by vigilance of the Proctors, to whom, conjointly, a positive "veto" is permitted; those of Medicine are left to the care of parties who have no immediate concern in its prosperity.

Medical Faculty neglected.

Appointment of Professors.

That care should be taken that all public teachers be competent and active to teach whatever Convocation has decreed requisite for admission to the several degrees which it has authority to confer is indisputable; but it does not appear that argument against the existing modes of appointing the several Professors is adducible from the incompetency or other insufficiency of those who have been so appointed, nor is it to be feared that the influence of public opinion will ever fail as a security against dishonest or undue partiality in discharge of these trusts; and, on the other hand, it savours somewhat of tyranny to deny to any one the liberty of availing himself of whatever private aid his inclination may prompt, and his means enable him to secure.

Matriculation Examination.

The odium and injustice of class privileges and the consideration that the education of those on whom the duties of high social position have fallen is certainly neither less important nor less difficult than that of other classes, while, at the same time, the cost of its acquisition is to the parties for the most part a matter of very little or even no moment, alike condemn the indulgence which the University concedes to the sons of peers and others by "diminishing the length of time required for the first degree."

Formal examination of the Candidates for Matriculation has been long earnestly and publicly advocated as the surest security against the scandalous fraud and consequent irretrievable evil of incompetent school-proprietors, and the measure seems to be at the present date no less advisable than heretofore, seeing that it has been thought well to notify authoritatively to young men, of from 17 to 19 years of age, that a knowledge "of the principles and practice of Arithmetic, including Decimal and Vulgar Fractions, the Rule of Three, and its applications," will be required of them at an examination to take place not later than a year and a half subsequent to Matriculation.

JAMES ADEY OGLE, M.D.

Answers from the Rev. Mark Pattison, M.A., Subrector and Tutor of Lincoln College.

Rev. Mark Pattison, M.A.

Gentlemen,

I have to acknowledge the receipt of a printed circular dated November 18, 1850, requesting me to communicate with you on the subjects of your inquiry, and directing my attention specially to 16 points therein enumerated. In compliance with that invitation, I beg to submit the following remarks.

Of the wide field of observation which your specified heads of inquiry open, I have confined myself to such as touch on the University as a place of education, to the exclusion of all topics in which the constitution of that body as an academical corporation for the encouragement and maintenance of science and letters is involved. I may add, that though these few observations have assumed a theoretical form, the conclusions advocated are the *bonâ fide* results of personal work under the existing system.

University extension.

Lodging out of College the most advisable plan.

Question 6 proposes an option between three—three, for No. 4 may be dismissed as not contemplating a course of education terminated by a certificate—modes of extending the benefits of the University to a larger number of students. Of the proposed plans—1. Halls, 2. Lodging out of college, 3. Matriculating members of the University unconnected with a College—No. 2 appears to me to be the mode which would most readily and easily be adapted to our present position and needs, giving a large amount of relief without organic change. Its effect, however, at first would probably be, not so much to extend the benefits of the University to a larger number of students, as to distribute the existing number differently between the Colleges. If the restriction exacting *victum et cubile* for sixteen terms were removed, many Colleges would admit almost immediately double the number of students, who would be withdrawn from the

Rev. Mark Pattison, M.A.

Insufficiency of increased accommodation in Colleges,

supply, partly of Cambridge, partly of the other Colleges in Oxford. If without entirely abolishing the obligation to residence, eight terms only, instead of twelve, were to be exacted, it would enable us to increase our numbers by one-third, and so do something towards introducing the principle of competition, and give schools and parents a freer choice of Colleges than they now possess. If it be true that expensive habits and indiscipline would always be attractions to a certain class of students, it would still be the effect of this regulation that the difference between the lax and the regular Colleges would be broadly marked, and no student would be driven, as many now are, to enter at a College which was not suited for him, only because he had not applied elsewhere early enough. This very simple amendment of the present statute, which should substitute eight terms for twelve, or what would be better, six terms of nine weeks each (the present four grace terms being abolished of course), would thus, without any change in the system, do something towards giving us elbow-room. It would not affect the position of the student, who, as it is, not unfrequently for two or three terms comes in to sleep, but lives out, rendering a nominal compliance with the letter of the statute.

But so far little would be done towards extending the benefits of University education to a larger range of students. It would rather re-distribute than increase the supply. For this purpose one or other of the three modes proposed by you must be had recourse to. To No. 1, the permission to open new houses of reception, one does not meet with any objections but such as are based on such narrow considerations as the University assuredly cannot entertain. But though this method, as appearing at first sight to assimilate best with the existing system, and to be least of an experiment, may be unobjectionable, there is reason to anticipate that it may be an inadequate provision for the proposed end.

or of new Halls.

The cost and the difficulty of obtaining houses large enough to hold any considerable number of students, and that of building would be still greater, will make this mode of relief very slow in its operation to say the least. To take in but 250 additional would require 12 to 15 houses capable of accommodating about 20 inmates each. There can be no doubt that men can live in common for less than they can separately, but only under the most favourable circumstances, where the freest competition acts to beat down rent, service, and supplies, and where the domestic economy is under the management of a person of experience, having no other duties. But, not to quote the clubs, whose extravagant management is well known, even in London, only such of the new lodging-houses as are on the largest scale are found to return their outlay. And in Oxford, where rent and prices are artificially enhanced by the long-standing University monopoly,* I do not believe such an establishment under the management of a principal, who must necessarily be selected for other than fiscal qualifications, would be found remunerative. With time, and perfect freedom of competition, a reduction might be expected. But the material and pecuniary difficulties which would have to be contended with at first, would seem to make this method one of very doubtful efficacy.

Residence within College not essential to Collegiate discipline.

But even if these obstacles could by the liberality of new benefactors be overcome, it is not worth while creating them for the sake of overcoming them, when we have in plan No. 2, what I believe to be a perfectly safe and unobjectionable method of immediate and unlimited extension. I am aware that an impression in favour of domestication within College walls is very general among parents and guardians, and prevails even among ourselves in this place. The advantages of which such a system is capable, must indeed be rated very highly. And the general imitation of the collegiate system in recent educational experiments in different parts of the country shows that some advantages are not imaginary. But it appears to me that the advantages actually realized by this system are not at all dependent on mere intramural residence, and that this may be safely given up without any sacrifice of these benefits, provided the connection of the student with a College or Hall be maintained; that plan (No. 2) would be only an extension of, and not a revolution in, our present system; that though the preamble of our statute (Tit. iii. § 1) is true, "Cum ad eruditionem et disciplinam ingenuam promovendam plurimum conducat ut Scholares non solum sub publico, sed etiam sub privato regimine contineantur," this does not necessarily carry the "Statutum est quod omnes Scholares in Collegio suo vel Aula victum sumere ac pernoctare teneantur." Under the old system indeed, the theory and practice on which the intramural enactment was founded, other and further objects were aimed at than those at present intended and secured by the Collegiate system. The notion of a common life or intimate domestic relation between the inmates, the Monastic system, in fact, of which the Colleges in their origin were a modification, dictated this provision. The intramural system seems to be an integral part of a state of general society no longer existing, and it is no accident, but the alteration of manners, which has banished it from the continental Universities. Oxford, (and in a less degree, Cambridge) from having not so readily shared in the influences at work in the rest of society, has retained what all other Universities have dropped. The domestic system originated in, and belongs to, that time when society was formed on a system of dependence, a hierarchy of rank and caste; when the great gave protection, and the little repaid it by attachment, "affectionate tutelage on the one side, grateful and respectful deference on the other;" when the son stood uncovered in the presence of his father, when the household lived in one common room, where every member knew his place. To this belong the academical gradations of fellow-commoner, commoner, semi-commoner, sizar, common servitor, &c., many of which have merged already, while those which still remain, are felt to be incongruities. The Colleges are, historically, in their origin, an attempt to combine the Monastic life (as it prevailed in the end of the fourteenth and beginning of the fifteenth centuries) with the old Aularian life. The

Origin of Colleges.

* This has been matter of complaint from the very earliest days of University existence; and is inherent in the nature of the case. A fixed tariff, both for lodgings and provisions, was agreed upon between the University and city at least as early as 1194, and afterwards ratified by a brief of Nicolas Bishop of Tusculum, Papal Legate in England, in 1214.

dissolute morals and licentious turbulence attaching to the latter, led in the first instance to each of the considerable Orders of Regulars maintaining, in or near Oxford, an inn to which they might safely entrust their own catechumens and dependents during their University course. These Monastic Hospitia naturally suggested the idea of combining the students' inn with a Monastic Institute in which the University studies and exercises should be the occupation of the brotherhood. This union gave birth to the College. So that it is not correct to suppose, as is sometimes done, that the founders of Colleges did not contemplate as an object of their foundation, the reception of students. The perfect idea of the Collegiate system proposed to take up the student from quite tender years, and conduct him through his life till death. A College was not divided into tutors and pupils, but like a Lacedæmonian regiment πᾶν ἄρχοντες ἀρχόντων εἶσιν, all were students alike, only differing in being at different stages of their progress. Hence their life was truly a life in common, with a common direction and occupation, and subject to one law. The seniors were at once the instructors and example of the juniors, who shared the same plain food, simple life, narrow economy, looking forward themselves to no other life. And in that mode then was obtained that which, then as now, constituted the truly invaluable element of the College system—the close action of the teacher on the pupil, of the matured character on the unformed, of the instructed on the learning mind, not indeed without a very beneficial reaction of the young on the aging man, an influence not unknown to the great and experienced men who originated and promoted Colleges. This insensible action of the teacher's character on the pupil's is the most valuable part of any education; and any scheme which involved the loss of this influence would be much to be deprecated. But it is contended that this influence is not now exerted by the body of Fellows on the Undergraduates. College life has ceased to be the life in common, even for the Fellows, that it once was, as between the Fellows as a body and the students it creates no society whatever. Our existing system of College habits so far separates the Undergraduate from the Fellow, that his merely being lodged under the same roof makes him no real member of the family, brings him into no contact with his seniors. The relation between the student and the College official is, in general, as distant and technical as that between the officer and the private in our army. The young men associate with, and form one another's character mainly. There remains, however, a very powerful means of influence of the kind above described in the relation of the College tutor to his pupils, felt in some degree at present, and capable of still greater extension. But this is incident to his function as tutor, and is in no way dependent on the circumstance of the Undergraduate being accommodated within the walls. It might be favoured, certainly, by the pupil doing what he does not do now, living with the tutor. But it would exist exactly as it does now, let the pupil be lodged where he would. Indeed little as are the restraints and obligations which College discipline professes to impose on the student, the body of resident Fellows are too often an obstacle in the way of their enforcement. If there be any action of the character of the Corporation of the College on the student, its value must be entirely dependent on the *personnel* of that Corporation. It is to be feared that the moral and religious standard with which a well-disposed youth comes up from a pious home, would not be elevated by close and habitual intercourse with the Senior Common Room.

Rev. Mark Pattison, M.A.

Original idea of a College life

does not exist any longer.

The Tutorial influence

alone useful now.

The habits and manners, therefore, which gave the conventual system its good effects being changed, we must not think any virtue resides in its mere forms. If little or nothing of moral influence is obtained by intramural residence, neither is the College gate any mechanical security against dissolute habits. The three great temptations of the place I suppose to be fornication, wine, and cards, or betting. Without exaggerating the turpitude of the first-named vice, yet every one who is aware of the amount of moral and intellectual prostration traceable to it here, must wish that every protection against temptation should be afforded to the weak and unsteady. It may be left to any one to estimate what amount of such protection is given by the necessity of being within doors by midnight: though here again the departure which modern habits have rendered necessary from the rule which is still on the statute book, will exemplify what has been said of the actual obsoleteness of the domestic system. And the alterations in the position and functions of a College officer will be felt by imagining a head of a house at present discharging the duty thus made incumbent on him by Tit. xv. § 6. "Statutum est quod omnes scholares cujuscunque conditionis quos occasione quacunque extra Collegia sua vesperi agere contigerit, *ante horam nonam* ad Collegia propria se recipiant; et quod statim a pulsatione magnæ Campanæ Æd. Chr., singulorum Collegiorum portæ occludantur et obserentur. Quibus occlusis explorent, si ita res postulet, Ædium Præfecti, perlustratis singulorum cubiculis, (ex Præscripto S. Regis Jacobi,) utrum e suis aliqui extra Collegium suum pernoctent seu vagentur."

Chief temptations of young men,

scarcely diminished by living within walls.

Obsoleteness of the domestic system.

While then it appears likely that the system of halls would be a slow, cumbrous, and inadequate means of University extension, and there is no reason to anticipate that our existing standard of morality would be lowered by the lodging of the students in the town, it is suggested that both these plans should have a fair trial. Instead of guessing in the dark at their probable effect let us make the experiment. Let it not be forgotten that we diverted the Great Western Railway to Didcot from fear of its bad effects on our discipline. What is urged is not the creation of any new machinery, not that the University should undertake to do anything more, but that an oppressive restriction should be removed, and the field thrown open to private enterprize and energy. When free, this will speedily run into the best channels. Let us leave Halls and Colleges, old and new, all with unlimited liberty of admission to work together, and trust to the power of self-adjustment in things which will bring to the surface the capabilities of the several methods. It might be allowed for 10 years; nothing will have been done that cannot then be recalled. If the evil now anticipated should be found to result from lodging in the town, we shall then be warranted in recalling the students within the walls, and shall

The time now come for experiment.

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be supported by public opinion in so doing. Or private munificence, or government, would then more probably come forward to erect Hospitia to meet a proved need, than now to provide for a probable one. It might be found that both methods (*i.e.* halls and lodging out) would work well *together*, as accommodating different classes of persons. There would always be found persons who would be willing to pay the existing high rates for the advantages they believe to attach to domestication under our roofs; while all that class who cannot afford 120*l.* to 150*l.* per annum, but who could afford from 60*l.* to 80*l.*, would, by this single enactment, be admitted to the general benefits of University education. It is incumbent indeed on a University to be cautious and deliberate in all its proceedings. But experiments are not necessarily rash—there are wise ones—there are even wise experiments in legislation which do not answer, and then to desist from them involves no disgrace. On the other hand, nothing would be more feeble than for us to emerge from this crisis of opinion with a scheme of paltry reforms. A great measure vindicates itself, and helps its own success. The present is a moment which may be made very decisive. I would earnestly press, not indeed the more comprehensive measure which one could wish for,—for that the public mind either in the University or the country is not prepared—but such an extension as will at least set agitation on that subject at rest for some years to come. We, in Oxford, are weary of scheming, suggesting, and pamphleteering. Give us leave to be doing something. Untie our hands and open our gates, and let us at least try if we can attract here, and can usefully deal with that larger circle of youth whom we are told we ought to have here. If only a little relaxation is given us, and if then our numbers do not increase, it will be impossible to avoid ascribing that to the usual abortiveness of half-measures. But, indeed, the utmost that is now asked for is truly little. The ideal of a national University is that it should be co-extensive with the nation—it should be the common source of the whole of the higher (or secondary) instruction for the country; but the proposed measure would, after all, only go part of the way towards making it co-extensive with that part of the nation which supports the established Church. If we can only draft in 500, say 300 students (additional) from a class whose education has hitherto terminated with the national school, or the commercial academy, "the good that would be effected by acting even on this moderate scale can not be represented by figures. It would be the beginning of a system by which the (University) would strike its roots freely into the subsoil of society, and draw from it (new) elements of life, and sustenance of mental and moral power."—*Gordon's Considerations, &c.*, p. 45.

Which should be made upon a large scale.

Great importance of extending the University.

Police Act of 1829.

This might form a fit occasion for the review of the Police Act of 1829, under which the University maintains, at a disproportionate expense, a very inefficient force. Besides 1,000*l.* a-year, the cost of the Procuratorial staff, we incur an additional expenditure of nearly 1,500*l.* per annum as our share of the police constabulary force on behalf of under 2000 of the population, resident not more than seven months, while the city, on behalf of a population of 28,000, contributes not more than 600*l.* or 700*l.*

But an addition to the numbers of our students would be very little benefit to them or to us without a corresponding tension of the amount of instruction inculcated and required of them. Our embarrassment is already so great with that large class who, by the time they come here, have lost all taste or capacity for any species of improvement, that we should not seek to increase their numbers.

Need of new class of students.

It is not so much an addition to the numbers that we want, as an enlargement of the classes from which we draw our supply. But a higher standard of requirement at entrance, a more imperative enforcement of study while here, and the elimination from the body of resident fellows, of that portion which is alien to any intellectual pursuit, are objects to be aimed at in any scheme of University reform. We could not wish to see the whole secondary instruction of the nation in our hands, while it is at least doubtful whether our corrupting and enervating influences do not preponderate over those which invigorate and elevate the mind. But a large influx of numbers would of itself probably give an impulse to study. It is impossible to calculate the intellectual stimulus that might be communicated by opening the University to the nation and to the world, and allowing the full and entire play of free competition in instruction. It is freedom, indeed, rather than numbers, that would increase our power and elasticity.

Objections to the admission of Students unconnected with College or Hall.

It may be said, then, would not scheme No. (3) give us this freedom much more fully than that for which I have been contending, viz., Nos. (1) and (2) allowed to work together. The consideration of scheme No. (3), viz., to allow students to become members of the University unconnected with any College or Hall, must be joined with that of the topics suggested in your questions on the Professors and Private Tutors. I wish to be considered as favourable to schemes Nos. (1) and (2), either of them, or both in conjunction, and opposed entirely to the principle of No. (3). And this is not inconsistent with anything that has been said on the subject of restriction. I have not been advocating the removal of restriction as such, but only of restrictions which have the effect of keeping out numbers who would otherwise come here. Our present system makes the accidental extent of our present buildings the limit on our numbers. I have been arguing against the statute which compels the Colleges to lodge and board their members—against the boarding system, not against the collegiate system. What is wanted is the removal of restrictions which exclude students, not of such restrictions as are directed to guard and uphold the value of the instruction given. Now scheme No. (3) would be nothing less than the substitution of the Professorial for the Tutorial system—of the University for the Colleges. Nos. (1) and (2) would be an extension of our present system; No. (3) would be an entire revolution in our system, and one, I believe, of a most mischievous kind. It would be virtually destroying a peculiar and most valuable feature of the English Universities. I am not comparing Professors and Tutors personally; but the system of delivering courses of original dissertations to a miscellaneous audience, with that of leading the student in classes carefully selected to master for himself some of the standard books in the various subjects. Many Professors and Private Tutors, indeed, occasionally adopt the latter,

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Defects of the Professorial system,

which we may call the catechetical method; and *vice versâ*, the College Tutor is often tempted to substitute for the dry and laborious exercise of construing and analyzing, the more agreeable task of dictating to his class an extempore dissertation on a favourite topic of history or philosophy. But the two systems may be fitly contrasted as the Professorial and Tutorial. I find myself here again obliged to dissent from a prevailing inclination in favour of a partial return to and revival of the Professorial system; both theory and experience leading me to the conviction that the Tutorial is the true instrument of education. Much has been said and written of late years on the revival; Professors anxious for classes have made urgent appeals to the University; and attempts have been made by recent statutes to compel the attendance of the student. So far as these attempts originated in concern for the Professor, they are an unjust sacrifice of the student to the lecturer's natural wish to have an audience. So far as they rescue the hour from novel-reading or lounging, they may be even beneficial; but if steps towards a general rehabilitation of the Professorial method, they are not even harmless. If Professorial Lectures were a mode of teaching directed towards the same end as College Lectures, and an inferior mode, they might be safely left to their fate; any attempt to revive them would fail. But the mischief of the Professorial system is that it implies a different idea of education; that it aims at, and is the readiest and easiest way to, a very inferior stamp of mental cultivation, but a cultivation which from its showy, available marketable character, is really an object of ambition in an age like the present. The question between the Professorial and Collegiate lecture is not as to which is the best mode of giving that species of training which both Cambridge and Oxford now by their respective methods profess to give, but whether we shall disuse that training altogether. The Professorial and Tutorial methods represent respectively the education which consists in accomplishment and current information, and that which aims at disciplining the faculties, and basing the thoughts on the permanent ideas proper to the human reason. This is no fanciful or merely metaphysical distinction; nor is it wished to press too far the admitted difference between information accumulated in the memory and acts of understanding and reasoning (see Whewell on Cambridge Education, sec. 110, to whose weighty remarks, indeed, I can add nothing); but if any one should question the practical reality of the distinction let him turn to America, and let him ask, What is it which—in spite of the genius, ardour, energy, and wonderful achievement of the new people—makes us all sensible of a woful and desolate blank in the national character; how in startling contrast with a mechanical and material development of vigorous youth, we find a poverty of thought, a soulless literature betraying imitation, rhetorical feebleness, and all the vices of a decaying civilization? Whatever other causes co-operate, we cannot err in seeing in this a want of that higher idea of education which this country has still kept alive, even through periods of mental torpor, in our Universities. When they have *done* least, they have at least witnessed by their system to the notion of a liberal education which modern Europe inherits from the ancient world. This ideal of education—"the *nisus formativus* of the body politic, the shaping and informing spirit which educes and elicits the latent man in each member of the community"—is one which, as it originated in a profound study of the nature of the mind, can only be appreciated by the maintenance of that study and knowledge. It needs protection therefore. There is no natural demand for it. The pressure and competition of actual life not only do not call for such an education, but have a continual tendency to substitute for it the more immediately available education of professional skill and accomplishment. To secure this popular education, the State has only to remove intellectual obstacles, and leave it to the operation of the law of supply and demand. Remove restrictions from the Universities, and they will contribute their share towards popular education. But this is not their proper business, and has never been regarded so among us. The higher education is that which the Universities seek at once to give, and to give the means of appreciating, and in this function they need protection. It is on this ground that I desire the utmost liberty and extension which the Collegiate system admits of, while I deprecate the erection of the Professorial.

compared with Catechetical or Tutorial instruction.

America has been instanced only as the most patent example of the defect of the higher cultivation to meet by a tangible fact the objections always brought to considerations of the class now insisted on, that they are fanciful and far-fetched. But, in fact, the more popular notion of education has been making rapid encroachments among ourselves since the great alteration in our examination system, in Cambridge at the end of the last, here in the beginning of the present century. And its working may be fully seen in the University of France, and most of those of Germany. In France especially, where the peculiar political condition which in Germany has forced the national energy towards literature, has not existed, the effects of the prevalence of the superficial idea of education may be unmistakeably recognised. Not only is genuine erudition in any branch of knowledge a rarity in France, but it is comparatively unappreciated when it does exist. And the chaos of speculative politics in which all principle of government in that country is lost, is to be ascribed—not to the absence of any general inculcation of some one political creed, but to the want of any profound study of mental and moral science. The popular education every man receives, enables him to understand the terms of politics so far as to think and argue on the subject, but is not enough to ground him in the principles of the science. Few men, again, are so little patient of sustained mental labour as the average educated Frenchman. But the education at which their secondary instruction aims is well enough attained. The surface of the mind is polished, a finish of expression, readiness of conception, and a general acquaintance with scientific terms, is widely diffused. A diversified information on useful topics is generally possessed, among which a broad knowledge of historical characters and epochs is not the least meritorious. An education that aims at this result is fittingly conducted by the facile process of lecture-hearing. The student's ease is consulted by his being called on for no greater mental effort than attention to what the Pro-

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fessor is compelled to put in its most captivating dress, and his vanity flattered by the deference paid to his known tastes and sentiments in the endeavour to secure this attention. The boy sits on the benches of the amphitheatre as judge and critic, and not as pupil.

The real objects of Professorial teaching are the diffusion of popular knowledge, and (in a University) the advancement of science,

But I have no wish to depreciate this species of education, which I would willingly see much more widely diffused in this country, but in its proper sphere, for the classes, that is, whose callings in life will not admit of the more protracted process which a solid education requires. But I fear we are in danger of forfeiting one of the greatest privileges which this country derives from its still holding on to the traditions of the older civilizations, if we think to substitute in the Universities this lecture-room polish for the much more athletic discipline of our old grammar-school system. Each system has its own place; they should not be rivals; the one for the mass of the people, the other for a cultivated *clerisy*. If the University can do anything by the way for the diffusion and popularization of knowledge, well and good; and this is the proper object of Professorial lecturing; but they should never lose sight of their higher functions, that of sustaining the student through a long course of painful and rigorous discipline of the intellect, towards which the Professor's chair can render little, if any, help. For the former object, the so much called-for Professorial lecture is the best and readiest machinery. In a system which attaches itself to the latter aim, a Professorship holds quite a different place. The Professor *then* is not the organ of instruction; he is the man of greatest attainment in his branch, rewarded and withdrawn from instruction to enable him to devote himself to the cultivation of the more abstruse parts of his science. The Professor, *as lecturer*, has to deal with the superficies of his subject, and has his function in the superficial or popular system of education. The Professor, in our higher education, has his function in sustaining and advancing science, and representing its actual condition.

not the instruction of Students.

In saying that the Professorial lecture belongs to the superficial or popular education, and that the tendency of late years has been an encroachment of this popular instruction on the old academical system of training, it may be objected that I am inconsistent with the fact that the Professors have more and more fallen into neglect during the same period. But the true explanation of the emptiness of the Professor's class-room is the growth of the system of private tuition. The Private Tutor does the same thing as the public lecturer, but better,—better, that is, for the student's purpose. The Private Tutor and the Professor in the branches on which the examinations turn, are rivals in the same method of teaching. They both dispense with the student's own effort, at least the more sustained degrees of it, by supplying him ready dressed for his "paper-work" the matter and the formulæ which he recollects and writes down. The Private Tutor (as his business is now understood) and the College or Catechetical Lecturer are rivals also, but as representing the two different systems of teaching. It is the business of the latter to make the student work out a subject or a text author for himself; it is the business of the Private Tutor to pack into his memory the ready-made results of labour, to enable him to pass an examination as well as if he had worked out the subject or author for himself. Of course, in the latter mode of proceeding, the reason will be indirectly cultivated through the memory; just as in the former, rules must be learnt and applied before they are understood. But that is incidental only.

Changes of Education at Oxford and Cambridge.

The change in Oxford has been precisely parallel to that at Cambridge, in which the possession of neat analytical formulæ, and the employment of abridged systems of notation, has been substituted for geometrical mathematics. The same fundamental revolution has occurred in Oxford logic. Under the old school system, coeval with the rise of Universities in modern Europe, "logic" implied a training in reasoning. The disputations, whatever else they neglected, communicated a habit of exact thought. The mental discipline in this method of education rested mainly on the logic it contained. When the Classical epoch superseded the Scholastic, the dialectical method of *writing*, it was soon found, had no chance with the public, in comparison of that which aimed at the graces and ornaments of style. Not till long after the schoolmen had been supplanted in the press by the new style, did the same influence reach the Universities; and the dialecticians were supplanted by the rhetoricians. It was natural then that Logic should gradually fall into desuetude. But it is an erroneous inference which has been drawn from this fact (in a well-known article in the "Edinburgh Review" and other places), that the University power of culture had declined in proportion to the disuse of this art. The engine to which our education trusted for mental discipline was transferred from disputation (dialectical) to composition (rhetorical). Instead of being trained to argue, men were trained to write with ease. The taste of the age obliged this change; the University had no choice, but followed, though slowly and reluctantly as ever, the movement without. This was the epoch of Parliamentary eloquence and the classical statesmen, who were then among the direct fruits of the then Oxford system.* The old quodlibets went on indeed, but they had become useless and laughable forms long before they were abolished. The living power of the system, that by which it gave its education, was now in the *vivâ voce* construing, and the writing exercises, prose and verse; and, most important of all, in that thorough inculcation of the ancient models by which alone taste can be brought to perfection.

Substitution of Classical taste for Logic,

and of Philosophy for Classical taste.

The tendency of late years has been to a new revolution in the style of general literature; followed, but this time much more rapidly, by a corresponding revolution in our educational method. Taste, ornament, style, classical purity are disregarded for reflection, *à priori* views, power of wide and rapid generalization—in a word, for philosophy. To use the favourite expression, words have given way to things. Logic is heard of again; *revived*, it is said; but it is a wholly different thing from the Logic which in the old schools was so efficient an instrument of mental discipline. The old disputations were founded on that sound view

* The present system, on the contrary, breeds better tutors and schoolmasters, but not statesmen.

of mental training which cannot be better described than in the following words (of the Memorab. iv. 5, 12) *ἔφη δὲ καὶ τὸ διαλέγεσθαι ὀνομασθῆναι ἐκ τοῦ συνιόντας κοινῇ βουλένεσθαι διαλέγοντας κατά γένη τὰ πράγματα. δεῖν οὖν πειρᾶσθαι ὅτι μάλιστα πρὸς τοῦτο ἑαυτὸν ἕτοιμον παρασκευάζειν καὶ τοῦτο μαλιστα ἐπιμελεῖσθαι, ἐκ τούτου γὰρ γίγνεσθαι ἄνδρας ἀρίστους τε καὶ ἡγεμονικωτάτους.* Logic, as it is now taught, gives no direct training in reasoning, but is the philosophy of the process. The Logic of the schools was an organic, creative power, it is now almost wholly *critical*. So that to contrast with pride our logical attainments with those of the last age, when Logic was really a disused instrument, is an entire misconception of our mental history. Whatever be our gains in other respects, we are in respect of our higher instruction in that third epoch which coincided with the decline of the Græco-Roman mind. "The experiment on education," I quote Whewell's words, "which has been going on from the beginning of Greek civilization to the present day, appears to be quite distinct and consistent in its results. And the lesson we learn from it is this: that so far as civilization is connected with the advance and diffusion of useful knowledge, civilization flourishes when the prevalent education is mathematical, and fades when philosophy is the subject preferred. We find abundant confirmation of the belief that education has a strong influence on the progress of civilization, and we find that the influence follows a settled rule. When the education is practical teaching, it is a genuine culture, tending to increased fertility and vigour; when it is speculative teaching, it appears, that however the effect is produced, men's minds do in some way or other lose that force and clearness on which intellectual progression depends." (English University Ed., p. 25, 1st edition.) This passage is not the less apposite, that it seems to confuse the contrast between two different *subjects*, viz., the moral and the physical sciences, with the contrast between two *methods*, the analytical and the deductive, of which latter contrast only we are now speaking. The *subjects* about which the student is employed here and at Cambridge, differ. The *method* prevailing is the same, and the process by which analytical mathematics have superseded geometrical, exactly parallel to that which has substituted at Oxford the present metaphysical logic for composition and dialectical disputation. As it is not always that one can have the testimony of those who have largely profited by a mode of teaching, to its fundamental defectiveness, I add that of Baron Alderson. Contrasting the old-fashioned style of examination for the Smith's Prize, with the more approved one since introduced, he says, "His style of examination was favourable rather to ready and quick students than to deeply read and learned ones; and my subsequent experience in life leads me to think he was right in that course. If the University were intended solely or mainly to produce great philosophers in particular sciences or arts, he was wrong; but if to bring forth men to do God service in Church and State, then that course of study and examination which tends to bring out the most accomplished men ought to be pursued. Some of the present courses appear to me to be worthy of the sarcastic description applied to them: patent block machinery."

It is on this view of the comparative merits of the three instruments which have at different periods been used in our University training, viz., habituation in reasoning, or Logic and Geometry; Composition, or the Classical method; and thirdly, Philosophy, or the Critical method, that objection is taken to the revival of the Professorial system. A large apparatus of working Professors, if it succeed, will only give a stimulus to the unhealthy side of our present system. It will push forward instruction to the still further disparagement of mental discipline. But if, as I anticipate, the Professor will be beaten out of the field of instruction by his two great rivals, the new book and the private tutor, we shall but have encumbered ourselves at great cost and effort, with a large addition to that superincumbent host of academical dignitaries, whose names may adorn our calendar, but who count for very little in the education of our students; and this be it observed, from no demerit in the Professor, but from the inevitable nature of the case.

The bad tendencies of this change encouraged by the Professorial system.

One objection should be here noticed, which may be urged from the experience of College tutors, viz., that the wonderful power of analysis in obtaining results in Mathematics, and the magnificent acquisitions of modern Philosophy (the analysis of thought), and Philology (analysis of expresssion), have, when merely presented to the student's mind, a quickening, stimulating effect, which no other instrument of education in our reach has. To which may be added—indeed it is the same phenomenon—the intellectual activity prevailing in the German Universities where these results are attained, in close connexion with the Professorial system. The former is a part of our daily experience, and the latter is notorious. It must be answered—1st. That no one questions the superiority of analysis as a mathematician's instrument, or the high value of the application of modern thought to the dry bones of the Greek or Latin Classics; but we deny their being the right discipline for the learner. They are for the formed mind, the reward, not the means, of culture. How can even the beauty of an analytical formula be perceived without a previous acquaintance with the geometrical reasoning which it abridges? Σοφια is the first and best of the sciences, but for those very reasons it comes *last* in order of acquisition. Mathematics (*i. e.* geometry) for the boy, Physics for the young man, Philosophy for the riper intellect. And 2ndly, the results which we admire in Germany, and the vivifying effect which we ourselves experience from the mere participation in the new views of recent speculators in Philosophy and Philology, is not to be ascribed to any superiority, or fitness for educational purposes in the views themselves, but to their being the product of the "activity of thought and research of the teachers. Because the new doctrines are expressions of advances towards clear insight and full conviction in the minds of the teachers, they are better doctrines for them, and enable them to teach better than without such an intellectual movement going on among them they could have done" (Whewell's Cambridge Studies). For with all our admiration of the splendid development of German Philology, we cannot be blind to the glaring faults of their academical training, the absence of

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all taste in composition which buries their historical learning, and the fatal defects of expression which clouds and mystifies their greatest thinkers. Besides that these attainments are, after all, but the attainments of a few. The way in which the Prælection system acts on the ordinary student may be described in the words of Dr. Niemeyer (Chancellor of the University of Halle). "Our *industrious* students are those who spend from five to seven hours a day in *listening*, and then writing down what they have heard; under a pressure of labour fatal to intellectual vigour or discernment. The impression made one hour is obliterated by some totally different subject presented the next. As to any thought on the subject lectured on, any essay or original composition, those are things with which none but the select few concern themselves. The number who frequent Scholastic classes or repetitions is few. They float with the stream which carries them away to prælections, the very name of which is frequently beyond their comprehension, and a youth of shallow parts and uncultivated understanding, finds himself listening to subjects which the wisest of his companions is scarcely competent to digest."

The Professor is a less useful instrument of education

The best part of all education is that which a man does for himself. And the really efficacious part of the present Private Tutor system is, not the crude commentatorial matter which the tutor ingests, and the pupil imbibes, but the indirect effect of the tutor's prælection in guiding the student to scrutinize and dissect the text-book for himself. It is not really the substance of what he communicates, but the act of communication between his mind and his pupil's, that constitutes the Private Tutor's utility. For next in value to the persevering effort of the intellect to master a subject for itself, must be ranked the powerful example and attractive force of a superior mind. Hence, oral instruction has a great advantage over learning from books. First, what a man does for himself—next the gentle pressure and aid of one who has gone by the same road himself; lowest of all in efficacy we must place the book. For even of the book it must be observed, that its proper employment in education is to suggest and set in motion trains of reasoning, and not to *supply* them. And it is evident that this *maieutic* art will be more effectually exercised by personal contact than by the printed page. "To read a great book," it has been said, "is much, but to listen to a great man is more." Now, of all the forms of oral teaching, that which has most of the book and least of the man, is the studied discourse of a Public Professor delivered to a miscellaneous audience.

than a book,

The genius and enthusiasm of lecturers like Niebuhr or John Hunter, will tell through outward impediments of whatever sort. But the average Professor will not be much, or at all, above the average Tutor, under a good system of College Tuition. Subtract from the Professor the electric spark of mental influence, and he is a less useful instrument than a book which may be read continuously, at our own hours, in our own rooms, "held to the fire," consulted when we please, and (may be) a complete treatise on its subject. As no academical constitution can command a regular supply of fervour of thought and enthusiastic devotion to science, so the Professorial lecture, which is only effective under these conditions, must ever remain an extraordinary and occasional resource. The *regular* maintenance of the system must be sought elsewhere. The average Professor cannot compete with the book as the vehicle of

a Private Tutor,

information, nor with the Private Tutor as a quickening stimulating power. Nay, the Private Tutor has an advantage even over the most learned Professor; 1st, in being nearer his pupil in attainments, and therefore his mind is in more close contact with the pupil's, and 2ndly, his ideas being the result of more fresh reading, have in themselves that vigour and vivacity which the (perhaps) more correct knowledge of the maturer mind does not carry. What appears to be wanted as the ordinary instrument of the system, is this personal, eductive, stimulative power, clothed with the authority of official position which the Private Tutor does not carry, and detached from the cramming process, by which the Private Tutor, to a great degree, neutralizes his own utility.

and especially a College Tutor.

This, I think, is to be found in the College Tutor. The catechetical lecture which throws the work upon the pupil himself—and which has been sneered at on that very ground as presenting the teacher in a less imposing light than as the dogmatizing deliverer of prælections—is the nearest approach we make to the Socratic principle of education. The dissatisfaction so frequently felt with the College system, is not to be ascribed to any radical defect in it, but to abuses which have accrued in its administration. The Professorial system, on the other hand, as the main method of education, is fundamentally wrong in principle, and the disposition to favour it chiefly owing to the defective state of College tuition.

The causes of the disrepute of the College Tutor may be easily enumerated.

Defects of the present system of College Tuition.

1. Chiefly, individual inferiority, want of ability, defective attainments, indifference to his occupation, and other personal disqualifications.
2. Each tutor undertaking too many classes and too many pupils.
3. Each tutor having to teach too great a variety of subject.
4. The admission of ill-prepared students, who lower the general tone of instruction.
5. The too great toleration of idle students.
6. The incidental effect of an examination system, which creates a demand for "cram," and so subtracts the pupil during his most valuable time—his last year—from the full action of the College course.
7. The transitory nature of the occupation, which in most cases being adopted "in transitu" to a totally different pursuit, has none of the aids which in the regular professions are derived from regard to professional credit, and the sustained interest which a life-pursuit possesses.

According to the principles of education argued upon above then, the main object to be aimed at in any academical reform among us is to make the College system more efficient, and to relieve it from the clogs and burdens now incident to it. For though I attach little importance to the mechanical restraints of gates and walls, in which the virtue of College life is sometimes thought to reside, yet I must regard our *Collegiate system* of education—by which

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Idea of the College system in its best state.

I understand that the student is placed under the immediate personal superintendance of a small associated body of teachers, living and acting in common, cognizant of his career from first to last, specially charged with and responsible for such direction—to be a great step in advance upon the University system, in which the student merely listens to lecturers, however able and eloquent, but with no further test of his having profited by them than a general public examination affords. It is true that men who have in late years seen clearly, and urged most strenuously, the necessity of University reform, and to whom on that score our gratitude is due (Sir W. Hamilton, Sir Charles Lyell, F. Newman), have represented our error as consisting mainly in this usurpation of the Colleges on the University functions. But in assigning this as the cause of our admitted great defects, they appear to me to have been led into error by looking only from the one point of view, viz., the personal inferiority of the College Tutor to the Professor. This inferiority, however, even so far as it exists, is due to the abuse of the tutorial system, and will be partly remedied by reforming the foundations. When once you have secured an efficient staff of teachers, and put the student in the invaluable relations with them which the Collegiate system and that alone establishes, you would lose and not gain, by substituting for this close, personal, stimulative, and eductive power, the comparatively inert listening to lectures, however elaborate and scientific. It almost appears to be overlooked by the advocates of the Professorial system, that a course of lectures which aims at expressing the existing state of any of the sciences is *ipso facto* unadapted for the wants of the learner. But there is a worse effect of the popular lecture than merely being above the heads of the audience. The Professor when not understood is wasted on his auditor, but when half understood he becomes mischievous. He tends directly to generate that state of understanding against which, as the pest of Athenian education, Socrates directed his efforts, the conceit of knowledge where knowledge was not. The experience of every Oxford tutor must bear witness to the great amount of tumid verbiage of metaphysical and philological terms current among students in their third year, who are quite untrained in power of reasoning, of distinct thought, and correct knowlege of language. Whether the Universities should "lead the intellect of England" is a question by itself, and should never be confused—as is done in much that is written and said about them (*see e.g.* F. Newman, *Pref. to Huber*)—with their duties as seminaries of education. If it is thought desirable in itself that they should be able to show on their books the names of men who are at the head of their sciences, or possess the most profound erudition, it is surely a paltry and frivolous worship of such celebrity to attempt to attract such men by place and pension, if the Universities do not naturally produce them. But whether they should be here or not, it is a vulgar error to imagine that such men would be useful as teachers. Indirectly their presence might benefit the tone of our society, and stimulate in the body of working teachers something of that interest in literature and science which is but languid in the tutorial body as at present constituted. But neither should the students be compelled to attend such lectures as professors of this calibre would give, nor should the tutors even necessarily work under the direction and control of the University professors. To be amenable to the official interference of an extraneous authority would mar the independent action of the College staff, and its system and management of its own students. There should be no "divisum imperium" between the University and Colleges. Once let the principle of competition between these bodies work freely by the proposed measures of unlimited admission, and free permission to open independent halls, and a motive would be given, which, if not the best possible, would be much more efficacious than any official control which the University could exercise. The whole responsibility of the student's direction and preparation should be left to these institutions without interference. Private enterprize before Government undertaking.

Summary of proposed Reforms.

1. Permission to lodge in private houses in connexion with Colleges and Halls.
2. Removal of Restrictions on Fellowships.
3. Improvement of the Tutorial Staff.

Consistently with these general views, the changes required to allow of the Collegiate system being what it is so well adapted to be, would be chiefly these—

1. Any College, Hall, or Inn, now existing, or hereafter opened, to be allowed to enrol any number of students by removal (on whatever plan may be judged best) of the requisition of "victum et cubile per 16 terminos."

2. The removal of restrictions on the election to Fellowships. This is a measure quite indispensable to the proposal of conducting an efficient education by means of the Colleges. This will prepare the way for—

3. Organizing in each College a tutorial staff more numerous, and composed only of fully qualified men. The funds for the increase of numbers to be found by setting apart a certain proportion of Fellowships, one-third or one-fourth in each College, as Tutors' Fellowships. It is less easy to discover the method by which ill-qualified men will be least likely to obtain these offices. For as long as they are objects of desire, it will be impossible for any system to obviate this being sometimes the case. Notwithstanding the dissatisfaction naturally felt at the existing usage in this respect, I am disposed to think that in the plan above contemplated, the nomination of the College tutors would be best lodged as at present, with the Head. For it should be observed, that even at present, unfit appointments have proceeded not from a system of favouritism, or abuse of patronage on the part of the Head, but from the system of rotation or seniority among the Fellows. It is not the Head who makes a bad choice, but the usage by which Tutorships, like other preferments, go down the list of resident Fellows, which has interfered with his exercising any choice at all. Even as the regard for College reputation operates at present, scarcely any Head of a College but would rather have in his tutors ability, energy, and zeal, if it could be had without the invidiousness attendant on "passing over." Therefore, when in the scheme now suggested, a regard to College credit will be allowed full play by the allowance of unlimited matriculation; and when further, the Fellowships are originally filled according to merit, it may be fairly anticipated that the selection of his Tutorial staff will be carefully made by the Head, on whom so large a part of the credit or discredit of the institution rests. For *selection* it should be, and not succession. Advantage

By which a succession of able Tutors will be secured.

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should be taken of the present moment of change for the Head to resume or assume the absolute appointment to all the offices in his College involving instruction. Two or three years' residence of a newly-elected Fellow would be a probation during which his capacity for tuition would be easily discerned. It should be the general understanding, that though the corporate offices might continue to be filled by rotation or ballot, all educational offices should be bestowed without any respect to seniority in standing. The selection of the Head would thus be made under the double check of general opinion, and the success of his College as a school. He recovers his freedom of choice, and has a better list of men to choose out of. The abuse of patronage cannot be prevented by any enactments; but such a general understanding, could it once be started, would be more efficacious than any statutable checks. Law appointments are made under scarcely any other control than the opinion of the bar; and allowing a margin for the necessities of administration, it will not be denied that the number of able judges greatly preponderates over that of bad ones. In the proposed scheme, besides the check of University opinion (which with open Fellowships, be it remembered, will be far more free and influential than at present), we give the additional force of the principle of competition, from which so much may be expected. It should be borne in mind, that the effect of this principle will be marred by any infringement of the full independence of the Colleges, whose interest in the success of their students is abated in proportion as any part of their management is transferred to University officers.

I have the honour to be, Gentlemen,
Your obedient servant,
M. PATTISON.

Rev. David Melville, M.A.

Answers from the Rev. David Melville, M.A., Principal of Bishop Hatfield's Hall and Tutor in the University of Durham.

My Lord and Gentlemen,

As the matters referring to University extension and expense are those first proposed by your inquiries, and those on which I have mainly had experience, I will treat of them first, before the more general point afterwards involved, and on which they would more naturally depend. I would take, then, Question 1 in regard to expense, in connection with the three first subdivisions of Question 6 on extension, as making up really one subject. Next, I would offer some remarks on so much of 7 and 8 as seem to me to combine with that larger subject the theory of academic education, and involve many incidental points, such as, 11, on distinct orders of students, and 12, specific training in the University. Though it is clear, at the same time, that such distinction of subject is more artificial than real, each more or less involving and being interlaced with the other. Thus, subdivisions 2, 3, 4 of Question 6, though made in the scheme of queries to depend on the question of *extension* merely, irrespective of the *system* of education pursued, may be taken also with, and will much be affected by, that subject.

I proceed then to reply to Questions 1 to 6 in connection; and I do so for this reason,—correction of existing expense, and extension of existing numbers, are really one question. There could be no advantage, even were it demanded, to extend the present mode and character of life. I do not think, to any great degree, existing Colleges could show a requirement for greater accommodation; those that could are able to do so very much, because they are conceived to be of an improved condition. If any method is possible, by which, at less cost, the sphere of the University can be extended, numbers might flow in, and extension be demanded, if, by the same plan, the more private habits and tone of academic life, especially in the matter of extravagance, could be corrected, extension would be desirable. Expense, then, and extension, as practical questions, go hand in hand. In treating them, I will take the last first; and, considering the best scheme for extension, apply it subsequently to the point of expense.

University Extension.

Question 6.—(1, 2, 3,) proposes four modes for increasing the number of resident students. 1. Halls unattached. 2. Halls attached to Colleges. 3. Private lodging-houses. 4. Superintended lodging-houses. By one or other, then, or all of these methods, the work is to be done—the work, in its twofold bearing, be it remembered, of extension and correction. By one, and one alone, I believe it can be done, and by that so fully, as to exclude the rest from competition by making them unnecessary. I will first just touch upon the three last, and point out their defects. *Halls attached to Colleges* offer, on the face of them, these two advantages—1. Means, generally, through the possession or easy acquirement of some building, to start speedily such establishment. 2. Facility for providing for the management out of the College to which they are attached.

Affiliated Halls.

Objections.

They have, on the other hand, these inherent drawbacks. The accommodation most probably would be very limited, and so very inadequate to the ends proposed. Very few Colleges, it is likely, would be inclined to trouble themselves with such adjunct, nor those that might, to contemplate anything like the growth of rivalrous numbers. I know a College in Oxford,—most likely it would have been thought from its circumstances to undertake such a work,—which rejected exactly such a proposal on this very ground. The site existed; the money was promised for a building attached to the College to accommodate, if necessary, 100 men; the occupants certain; and a scheme of management drawn up. It was rejected mainly through fear lest the interest and character of the old establishment should yield to that of its offshoot. Again, and much more, such connected existence would be a great ob-

struction to their efficient character. In them the stand is to be made against expense in circumstance, and irregularity in system; a very difficult work in Oxford in any case, hopelessly so, if it is to be expected from a small number placed in immediate contact with a larger body, otherwise conducted, and whose style was different. A *connected Hall* would, I fear, be either an unfelt, and so useless appendage, if the integrity of its stricter system could be preserved; or the damage to a good and otherwise possible design, by its seeming failure, if it could not. It is very hard, in any case, to get such a true sense of their own dignity, and possible usefulness, into young men, as to make them thereby superior to a false sense of their position; if this were forced upon them, in many points of comparison by direct juxtaposition, the difficulty would be almost insurmountable. A certain sense of independence, and the confidence arising from numbers and self-respect, are essential, especially in Oxford, for the efficient conduct of such scheme; and against these conditions *attached Halls* offer much that militates. *Rev. David Melville, M.A.*

As for the next proposition,—*private lodging-houses or superintended lodging-houses*,—[for we may take these methods (2, 3 of the printed suggestions) together], it is clear that, in the first, very much that makes up a main element of academic life, as it now is, is foregone, and can be realized only to a very limited extent, in the second. All that formation of character, resulting from the *attrition* of College life is lost, or, if, owing to the intermixture of such members with those of existing Colleges, it were not lost, such mode is reduced to nothing but a less controlled condition of University membership. The man who required his character strengthening and eliciting by personal contact and felt comparison, would lose the opportunity, and gain no equivalent: he, who from social disposition or antecedent connection was not likely to be thus isolated, would, through his free intercourse elsewhere, make such method meaningless. Private lodging-houses *uncontrolled*, which subdivision 2, in its terms, seems to contemplate, are objectionable, amid a College system around such as now exists, as being either too close or too lax, according to the character and disposition of the party concerned. Lodging-houses *controlled* (3) are open to all the objections to attached Halls in a greater degree. Private Lodging-houses. Objections.

But, in fact, a plan is possible—that first alluded to in the 1st subdivision of question 6, which renders unnecessary, *as far as they bear simply on extension*, the contemplation of these alternatives; none but very exceptional cases, for which special leave might be granted, need, if this plan were adopted, wish to "lodge in private houses." Nowhere else could such "due superintendence" be supplied at less "incidental expense." I proceed, then, to consider independent halls. Independent Halls.

I believe thoroughly, they, and they alone, can do the work, which, constituted as the University and society are, is before such societies; but, in order that they may do that at all adequately, I would premise, as essential conditions, independent management, a full recognition, both with regard to the position of the Head and privileges of the members, an intelligent and respected staff. There must be no degradation, no disparagement, or they could never usefully hold their way. Through the efficiency of those that conduct them, the estimation in which they are held, and the interest felt in their success, the right feeling of the members must be attached, and a set-off found against those forces of taste, association, and temptation, which else would prove too strong. If such establishments are to be, they cannot, as far as such conditions can be commanded, be made too self-reliant, or too respected. The plan on which such halls might be beneficially conducted, as compared with existing Colleges, is, by having common meals, furnished rooms, and the non-necessity of the admission of any articles for private consumption or entertainment, by the establishment supplying all such whatever. Leaving the question of cost, and how such plan tells on academic expense, till we come to that part of the subject, I may here just recount a few incidental, but not slight advantages.

The service and appointment of such an establishment becomes so much more respectable, as well as economical; the College, in its uniform systematic working, looks like a well-regulated family; the servants knowing their duties, and looking only to their wages as their payment, are civil to all, and much more contented, not measuring their civility by the opportunities afforded by the lavishness of the students. The direct necessity for dealing with tradesmen for furniture and certain articles of consumption being taken away, removes very much of the temptation, and so checks the inclination for non-necessaries. The immense step from the control and dependence of school to the very opposite condition of College life, is nowhere felt more, nor applied more prejudicially, than at its commencement; according to the existing experience, a man has then necessarily to indulge his taste, and exercise his new liberty, more than ever *necessarily* afterwards; and such step, often, no doubt, then runs into unnecessary licence, never to be retraced. Here the proposed system offers a direct corrective: foolish personal indulgences out of which a boy at school often grows, but to which at College, under the habit in greater things, he often returns, are all that are left as his probation, and these must be left. Among many concurrent results of advantage I may just mention punctuality, a sense of discipline and order, attention to the direct objects of academic life, in attendance on and preparation for lectures, as flowing from a College system very regular in its method, and relieving the students from all care and concern in domestic matters. Advantage of these.

But before summing up the question as to "unattached Halls," let us consider a little the question of academic expense. The expense or cost of University life divides itself into *1st, that under; 2nd, that not under direct control*, fees and battels making up the first, and the last subdividing again into *recognized* and *unrecognized*. *Recognized*, as books, clothes, and certain pastimes; *unrecognized*, as driving, hunting, tavern-living, &c. Now with regard to the expenses assumed to be under control, *fees*, at least those that refer to education, and go to pay the educator, could not well be less, especially if the larger number of pupils belonging to some Tutors were divided among more tutors, a division absolutely necessary to do at all adequately the tutorial work; but I think a different arrangement of fees might advantageously Expenses recognized and unrecognized. Tutorial fees.

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be adopted, especially as meeting the point of greater professorial usefulness, without increased charge to the student; if the fees at the same rate per term were charged, and then not assigned absolutely to the particular tutor of the particular pupil, but the collected sum apportioned to Professors and tutors according to a certain ratio, or the lecturers attended by the student according to his standing, an equitable and easily worked scheme might be realized. Thus, whilst the tuition of the student was conducted by the College, the College solely would share the proceeds, when in following an academic sheme of instruction, or particular profession, the academic instructors were brought to bear on the man's education, some portion of the College educational income would pass to the Professors. In this way College tutors would cease to have particular pupils assigned to them, in which I see no good and some evil, but would stand

Battels.

in every relation as a tutor does to the junior members, each to all. With regard to battels, or College accounts, as an item of expense, where they are really under the control they ought to be, there should be no ground for their being considered excessive, but doubtless the spirit which has made the uncontrolled expenses scandalous, has operated here. False pride, a want of due check, both as encouraging dishonesty among servants, have taken this item in many cases out really of the category of controlled expenses, and the published statement of what a man *may* live for stands in strong contrast to what he *does* and almost *can*. But the evil here very much proceeds from the men themselves, and results from the habit indulged in the uncontrolled expenses, and so is very hopeless to correct unless that habit can first be met. Of course it is obvious that some latitude, some probation must be conceded, in the items which I have called recognized, though uncontrolled expenses; it were not well, even were it possible, to help this; foolish parents who in a weak vanity pet the very evil they denounce, seem at times when smarting under the cost, to demand this, and to require the University to deny any power of indulgence in matters which they themselves may have done much to cherish, and nothing to correct, but still some trial must be undergone; the question is—how can the excess be guarded against? does the system and tone patronized, and example set, encourage really success or failure under that trial? This will be best arrived at by considering what mainly

Causes of extravagance.

produces in the University the evil of extravagance; the causes of the disorder will guide to the suggestion for the remedy. In a state of society such as that which exists in England, it is very clear that unless some strong check was put upon its development, any congregation of young men representing all the upper orders, would carry the false features of that society into an excess; the youth is not likely to correct the undue display, or the weak emulation of the parent, and thus given the means for their indulgence, nay, it may be the temptation to that indulgence, and the consequences are very apparent. In Oxford this explains a great deal of that vicious extravagance which now and then startles the public attention, and explains it not only with regard to what finds the spendthrift in himself a likely victim, but also with reference to that which is wanting to correct this tendency to fall. So* far as Colleges directly countenance, or do not directly prevent by all possible means the indulgence of those expenses called *unrecognised*, through a foolish vanity for the distinction of men able to so indulge, or any other ground for weak concession; so far they help on the evil deplored, and an University edict is powerless as long as there is this sort of pride in College display. The virtual recognition then, of what is professedly unrecognized, co-operating with the evils of an artificial state of society, make in the University that extravagance in things obviously illicit, which colours the whole question of expense, within or without the College walls, and consequently a remedy must be looked for (a remedy extending far beyond the immediate effect of its own sterner rule) in a system directly at variance with such lax concession. Ambition and energy are the necessary results of young men's minds and character acting on each other, as they must in the Universities. There is an ambition, almost an energy in profligate expenditure and display, and if in any degree such habits seem to find favour or even not disfavour in the eyes of constituted authority, we ought not to wonder at the phenomena they present. It would seem almost imperative, in order to regulate expense in those particulars where some freedom of action must obtain, viz., those which we have denominated *recognized*, though not directly

Unrecognized expenses should be forbidden.

controlled, that the *unrecognized* should be strictly forbidden, and as much prevented as vigilance and binding rule can command, and that matters directly under control, which make up the common experience of daily College life, should be conducive to habits of self-control and economy. Everybody seems to understand the evil to be a liberty of action in the matter of expense, tempted from without, undisciplined from within the College walls. To afford as few occasions to expenditure, and withdraw all encouragement from it, I conceive to be the primary step in the correction of this evil. So to shape the educational course that the social relation of members shall not seem the ruling idea of their congregation, or not to leave great

Idleness discouraged.

vacuums of time so objectless (apparently) that *vis inertiæ* adopts extravagance perforce as a pursuit, immediately follow on as auxiliary measures. Compared to these, laws on tradesmen, or mere directions to members of the University touching their relation to tradesmen, are very secondary. As for the plan of sending all bills through the College tutor, whilst it takes away all the dignity of the probation, indeed the probation itself in such matters almost entirely, it is proved to be utterly powerless as a corrective of extravagance in those who most need correction; besides the many other grave objections which have been found experimentally to lie against such proceeding.

The system on which independent Halls might be conducted, will, though after a severe type, represent how Colleges might train to meet the evil of expense. It is assumed, that

* The observed distinction of rank in the order of students, especially the rank of wealth, in the order of Gentleman-Commoner, bears directly on this part of the question, but must be reserved for separate consideration.

any place for extension of members, must consult also for reduction of cost, and stricter discipline. It has already been shown how in the necessary charges of College life great reduction might be obtained. The gross sum which might quite adequately meet all Collegiate and Academic expenses is 60*l.* per annum, and this would include rent for premises and surplus for repairs. The number of members should not be less than 50, nor more perhaps than 60. In Oxford, for the successful working of such a scheme, the men must feel numerically important, else at first, head could hardly be made against the effect of contrasted circumstances, and doubtful, if not disparaging regard; and a larger number than 60 might admit with difficulty the due surveillance. The College authorities residing among the men, should show their sense of the system, by as much as possible joining in it, and making it their own. The public meals should find with them full countenance, and whilst the President might, I know, be a married man beneficially to the society, he would not be so, if such condition withdrew him from intimate relation with the body. Colleges thus organised might show the happiest fruit in the University, both in their direct and indirect effects.

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Expense in a Hall.

So far would apply entirely to Oxford as it is. A wider and more difficult subject ensues. Is the course and method of that which is at least the avowed object of academical membership, capable of beneficial change? But this question, though involving distinct points from those on extension and expense, is not unconnected. The mode of extension and economical system recommended, would much conspire with an amended, as well as correct the evils of the existing order of things. And certainly in one particular, alluded to above, the existing course much aids existing irregularities.

Three orders of men are found in Oxford. 1st. Those who come to gain its honours as a step to its emoluments. 2nd. Those who come rather for the indirect than direct objects of the place, to expand the social condition of the public school into a larger and freer sphere. 3rd. Those who, without being capable of distinction, or hopeful of emolument, have yet a specific end, and are sent to emerge in some profession, generally the clerical. The instances of those who pursue closely the studies without reference to ultimate advantages, or those who combine the direct teaching with the indirect social consequences, are not enough to constitute classes of their own, or disprove this division. Now for the first. So far as the endowments are bestowed in consequence of the distinctions, doubtless the plan is found to work very well; if only the course of study be wisely framed, such incentives to success, would naturally lead to a high standard; at the same time, such system is powerless to make, and does not necessarily imply at all a well-framed or really beneficial course of study. Nay, rather, is very likely to act badly upon such course with a narrowing influence, when it is remembered that these endowments are not ordinarily open and unconditional, but saddled with, or tempting to offices fixing and reproducing at best the exact antecedents by which they were attained. That University honours are sought, and a high standard attained in the subjects pursued, are no tests really of the value of the academical teaching; and as for the 2nd and 3rd class of students—much directly detrimental in the system, which the 1st class escapes, by the necessity of constant application under the pressure of emulation, tells upon them with no resisted influence. How often does the mere gentleman resident become a positive bane, and draw after his example the idle member, who yet is sent for a specific object, by the excuse that nothing is purposed for him to do, interesting in itself or taxing to his powers. Whilst by all means this order, the residents who have no professional object, should be retained and attracted, it should not be by consulting for their objectless residence by making it more so. If the academic course for an ordinary degree is such in its standard and studies, that a fair average scholar from school goes rather backward than forward in its attainment, the mere gentlemanly resident has nothing to do, but to let his activity run into unrecognized pursuits; and the resident for a specific object, in the absence of all specific training, not only is not advanced towards that object, but runs a chance, often with fearful odds against him, of being rendered positively unfit for it, by his academic experience. No doubt the high feeling of our public schools, and in many cases the excellence of our home education, together with the College or domestic system, are powerful corrections of some of the evils, which the ordinary course of University teaching would entail: but still, the little attained information—the formal and hurried pursuit, ordinarily, of even that attained, with its outgrowing evil of private tuition—the numbers lost in idleness, through want of more encouraging and testing system, are patent consequences, baffling even these corrections. There can be no justification of the period consumed before the B.A. degree, unless in some sort it be necessary to, and productive of, the standard required for that degree's attainment. This of course depends again on the standard of admission; this on each particular College, and as things are, from an under to an over-occupied Hall or College, there is no gauge to which to reduce the admission standard. Such test caunot depend upon particular societies, because they will depend upon their popularity whether they can afford to be strict, or are obliged to be lax. Taking the minimum required by any existing College or Hall in Oxford for admission, and no doubt three or four years could be spent in acquiring the amount of scholarship and knowledge required for a B.A. examination; take again, the entrance qualification of a much sought College, and the examinations as a progressive requirement are absurd. Yet whilst matriculation examinations in their varying standard thus afford no test of the educational course for B.A., it may fairly be asserted, although the maximum admission qualification may, as a standard, be too high, the minimum is too low; and yet that minimum is framed, doubtless, with an eye to the probability of the admitted member passing in course the required examinations; and if ordinarily this is accomplished, these examinations are evidently shaped to a defective standard. To have a course requiring only such an amount of information, or thrown over such period, that what should be the school education may be realized, and alone is demanded in the University, must doom a great many men—the majority—to a mere semblance of work. No

Difficulties arising from the various classes of Students;

some of whom avowedly do not come to Oxford to study.

The system designed for the mass, by which the best suffer.

The minimum of admission is too low, but is determined by the extent of the Examinations.

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doubt this has been somewhat regarded in the altered examination statute, but still there is room left for objection; still a fair school scholar taking, as he would, his responsions in his earliest or third term, need not re-appear till his twelfth, cannot till his eighth term. *The academic scheme itself must set its own standard of admission* in one of two ways, either by a direct examination, or by leaving it clear from subsequent examinations, what standard will be requisite. Colleges will only examine with reference to their own standard, and for their minimum rate of qualification must look after all to what the University requires; and if the first examination is of low standard, and the period possibly long ere the rest ensue, the temptation of course will be to a low standard of admission in those Colleges that regard the academic standard. Now both this, and the non-recognition of any academic standard in those Colleges, whose admission-qualification is beyond all academic demand, are evils; and from what may be presumed to be the standard admitted in this examination called "responsions," it is impossible to see why it should not be—if there be one—the entrance examination, and the academic course start fair from it. For it is hard to conceive that a man could profitably at 18 or 19 pursue the academic course with advantage, with a lower amount of qualification. Thus the two great absurdities which attached to the old system, and in some degree to the new, might be relieved. 1. The non-recognition *academically* of those members who were pursuing the higher subjects of study, till almost the end of their academic career. 2. The immense gaps of time which intervened between the first and ultimate tests, with the want of harmonious or systematic relation between them, both conspiring with idleness and irregularity. I cannot see why from the first the University should not recognize the two distinct classes of students, honour and pass men, and shape its course and examination on that recognition. Why should diligent or ambitious men find at first no encouragement for their aims? Why should fair school scholars yet liable, except under the incentive of a direct system, to fall away, find nothing proposed for eight or twelve terms taxing their powers. If the sort of examination for all called "responsions" is to be maintained, I think it should be merely an academic matriculation examination, and then from it the educational course proceed—the members dividing at once, but not necessarily fixedly, into candidates for a degree with or without honourable distinction. There is no reason, then, why the first "public examination," so called, should not be at the end of the first academic year. Of the proposed subjects, the four gospels, apparently, would be the only one that might be alarming and require reduction. All the rest, even the honour subjects, would ordinarily be as well, if not better, met then than later. But I do not think that scholarship, in its more technical signification, could here be taken leave of, by either party, class, or passmen; and so the same line of subjects, enlarged in quantity and mode of treatment, the form gradually yielding, as a specific point, to the subject-matter, should again make a second examination at the close of the second academic year; and the academic course find its completion in a final one at the close of the third year. *Mathematics* as a distinct pursuit, might accompany the classics, with separate classes of distinction through each year; or as a blended subject, in a more limited degree, the two first years. The schools of natural science, law, and history, the two last.

These then require to be raised.

MATRICULATION EXAMINATION.

Separation of the two classes of Passmen and Candidates for Honours.

To be examined again at the end of the 1st, 2nd, 3rd year.

The advantages that would follow on such a plan are obvious, that which has been regarded above as plain evils of even the present plan would be corrected. First, there is the direct work done by the University; the evident care, and concern, and vigilance exercised in such real *process* of education; the training on of the stature of the mind, by exercise systematic and progressive; and the trying at regular intervals the strength attained. Then beyond the reality and satisfaction of this in itself, there is its result on the student himself, for without too high a pressure the student would feel regarded by the University from the first: then when he is most likely to take to it zealously, free from dissipating habit or unsettling association, he would find a direction for his energies, a way proposed to him wherein to walk, an object at which to aim. The value of this it is difficult to dwell upon too strongly. How many men have I known lose not only the distinction they might have attained, which comparatively is nothing, but the habits the pursuit of it might have formed, and become set in the opposite, simply for want of this immediate incentive and recurring test. Another happy result would be the decrease of private tuition in its present form—at least in its worst form—the hasty cramming. *For nothing aids this more than the want of progressive trials, or the idleness to which there is temptation by the long intervals between, and distinct character of the separate examinations.* Also, this plan would seem practically the real solution of the problem between College and Academic, Professorial and Tutorial teaching. The University thus would really set the character to the College tuition: the Professors might really be the directors, under and with whom the College instructors might work. It is obvious how this, if attained, might help to correct other coincident evils and awkwardnesses arising from undue College prominence and Academic abeyance.

Advantages of this system.

Such an academic scheme might leave the B.A. free from the subjects required for its attainment in three *academic* years, and open then to follow for another year any teaching which his future calling might render desirable. I think this question must be considered in conjunction with that of rendering the higher degrees real tests of merit. Simply to require residence and study without such ulterior object could hardly be; the mere abstract advantage of study as such is not enough to propose, nor would readily be acquiesced in, in this busy time and character of ours. Certainly another year's study would be advisable, and, if towards certain professions, necessary. This might be considered the condition of the ultimate M.A. degree; but it might in whatever school or subject, law, science, or theology, be for that degree its testimonial, or if specific degrees in the separate pursuits be preferable, for degrees in them academically equivalent to the M.A. In this way specific teaching and higher degree as a test might help each other. Of the desirableness of specific teaching, of its absolute necessity as has been said for one vocation, viz., the clerical, there can be little or no

Its connexion with the making the HIGHER DEGREES tests of Merit. Study of a specific subject during the 4th year in preparation for the Degree of M.A.

question. The privilege in certain professions attached to the mere degree cannot long stand, is not now standing, in its lieu. *Rev. David Melville, M.A.*

The objection ordinarily urged against specific training, and in some pursuits a valid one, would be the want of power really to train in the best way towards the desired object. Thus, whatever show Oxford might make towards a class for civil engineering, it could not have a long life, in defect of opportunities for practical experience; the same would attach in its degree to all schools requiring experiment for the imparting of their principles. But for all, even the most experimental, some scientific basis is needful, some knowledge as distinct from its application. The clerical profession, however, has been treated by the elder Universities as though either it required none, or they were not the places in which it was to be found. Now, if there is one specific work which they might do, it is that of teaching the Church's ministry. Oxford boasts much and claims often quite pre-eminently its Church attachment; it might truly be claimed, if from out of it and through its training went those who spread and made felt our Church's character: and this not simply in an outwardly professed allegiance, through the enjoined subscription of articles and formularies, but as being able to trace home to it, as derived from its teaching, the felt truth systematically regarded of the Church's doctrine. Oxford need not become merely a clerical seminary, whilst it becomes more with reference to Holy Orders than, through the Fellowships regarded as a title, a short and easy and often prejudicial road to the most responsible of functions. It has been demanded of Oxford long, by being sought for out of it by its sons in not dissimilar institutions, and it is no answer to add to its reproach by saying, however truly, that it is better sought out of it, free from early academic pursuit and association at variance with its graver tone of mind. Oxford in its three last Professorships, two of them established ostensibly to advance clerical training, and its voluntary examination, has admitted the need; it clearly should systematically recognize it; it may do so by shaping a distinct course of study, with an appended examination for theology for the year following the B.A. examination, and giving a distinct academic title during the course and after examination passed. The bishops would not be slow in giving their highest sanction to a plan, by enforcing it, so directly subserving their own requirements. This might stand for the qualification for M.A. for theological students, and so *mutatis mutandis* of other schools and pursuits.

Specific training in Theology

needful in Oxford.

Practicable there.

By such course, based on the sure foundation of scholarship, gradually expanding into a more varied teaching, the more definite object might result as a part of one academic whole; the domestic or College system, so excellent when fitly administered in itself, and so adapted to the English character, being added over and above to the excellences of attainment which foreign universities may boast.

Looking to the schools we have in England, from whence the youth at the Universities is gathered, I do not see why we may not find in Oxford the comprehensiveness of the Scotch system, without its want of scholarship; the energy of the German, without its free and uncontrolled life; and the social sense and refined character of the English, without its want both of liberal expansion and definite aim.

If it is a mistake to make the ostensible object of University membership so subservient for the mass to social circumstances, and to let them set so much the rule of life as they do at Oxford, it would be no less mistaken to ignore these conditions altogether; if a more liberal, and at the same time direct course of study, and somewhat less conventional life should be introduced, it should not be to the exclusion, except in their extravagance, of those characteristics of high bearing with ingenuousness and respect, which must be regarded as products, in some degree, of things as they are.

It will be in place here to notice a question raised in subdivision 4 of question 6. If it is meant thereby to alter the character of the University and supersede College connexion, viz., by students unconnected with any College and only attending lectures, I could not think it advisable to forego for them, or allow them by their numbers in any material degree to interfere with, the advantages of College life. At the same time it might be close and narrow to shut up the academic teaching, especially in its more advanced stages, only to regular members proceeding in course through the Colleges. There could be no harm in the presiding University authority granting leave to occasional students to attend particular classes, subject, of course, to control by the academic authorities, and its ordinary discipline of residing within the University itself. Without a thorough revolution in the system, such members would not be likely to trouble by their numbers; and, if the objection of the expense of College life was removed, even such members, supposing on all other grounds they could do so, would too gladly seek, though even for a short period, the comfort of a Hall. The worth of the specific teaching itself, and the sanction put upon it, and value attached to it outside of the University, must be very high—high enough to settle the question—before occasional students not connected with any society would become an appreciable item.

Students unconnected with Colleges or Halls.

I would wish to add something on two other points before I conclude: 1, Distinct orders of students; 2, Private Tuition.

With regard to the points mooted in Question 11, on distinct orders of students, some answer has been conveyed, where such distinction, especially that of a wealthy order as such, was referred to as helping on, by its example, the expense of University life. In a country like ours, with its social ideas and constituted character, rank and wealth will ever command their due, if not their undue, estimate; and certainly, as a work of education, the restraint rather than the aggravation of the sense of their value is desirable. The *fact* of rank will always tell sufficiently on others without badge or privilege; but of all distinctions how undesirable every way is that which is simply bought, and how ill is the recognition of an aristocracy of wealth, in what should rather be a republic of letters! This seems sufficiently felt by society itself. The better order, who could afford it, have ceased to seek the gentleman-commoner position,

Distinction of rank.

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and have left that order very much to mere money, which buys for dear commons and double tuition-fees a membership it might otherwise have failed to obtain. All this is very bad in itself, and would be even more prejudicial in its effects than it is, were it not often rendered ridiculous by the parties who enjoy it. So I should conclude also of the different recognitions at matriculation, and scale of prices for degrees. The one consideration that seems to carry most show of reason, is that of the shorter period at which a nobleman may pass his examination, owing to the demand upon him in the world, and his not having a professional purpose in his academical course. More reasonable in fact too, as well as seeming, for him, than for those exempt from such privilege, seeing that the course to both is identical; the examination impartial; and the shorter period misses nothing of professional direction, which the longer supplies. Simply at a shorter time, under avowed disadvantages, the exact work of the longer is done. Such an academical course, as that suggested before, would still consult for this consideration, if important, without this self-condemnatory proceeding. That course might be conducted in three academical years for B.A. degree, *i. e.*, under three calendar years; and for the higher degrees, where more specific teaching would ensue, exemption might be made for senators and noblemen.

Scale of Fees.

Graduation after three years.

If the Oxford system wanted to present a pattern specimen of its defects, as to defined educational course, real object of membership, attained result, and social condition, it would do so in the ordinary and recognised career of its noblemen and gentleman-commoners, and the bright examples, *per contra*, of whom it may well be proud, who, rising superior to the circumstances of their order, show there the promise of their thereafter, make really nothing against this assertion.

PRIVATE TUITION.

That private tuition, as it is, is an evil fraught with very injurious effects to taught and teacher, no one gainsays; but in so saying we must be careful to distinguish between what is essential to the idea as a *kind of teaching*, and only accidental to its particular development in the two elder Universities. As it exists it is an evil and injurious, for in fact it amounts to this—*the work of the University done by an order not recognised by that system, whose operations it so extremely influences.* It is true that of late a greater sense of responsibility in the College Tutors, and a stricter regard in the public Examiners of their duties with reference to the bearing of this class of teachers, have in some degree depreciated its importance; still there it is; the idle, the diligent, the timid, the hopeful, feel or fancy the necessity for its aid, and maintain its prominence. The effects for ill are shared by the teacher, the taught, and the academical system under which to such an extent the phenomenon is found. The *teacher* suffers morally often, intellectually generally: *morally* by being tempted to fall back into a junior condition of tastes and habits, at a time of life when it is specially important he should progress in these points; for not far asunder in age from his pupils, he cannot bring *that* to bear on their conduct; and *intellectually* by having little time left for self-improvement, and being made, almost, to regard the heterogeneous and often undigested mass under which he has just passed his examination for B.A., as the end of all education. The *taught* suffers by having his idleness and inactivity consulted, and a sense of reliance on others generated, where especially the contrary would be advantageous; and the *general system* suffers, as it must necessarily, where such a power, though unrecognised, operates so far as to be felt in its teaching. It is thus through the private rather than the public tuition that opinions get canvassed—views adopted—and energy displayed: most of the attachment on one side and felt interest on the other, is there—and so the result on the system is necessary; either it is coloured by the narrow and defective character of those who, though unauthorised, are the efficient agents, or there is an evident want of relation and harmony between it and its active ministers. In following this out somewhat farther, let us premise that it is quite admitted that the very demand and supply seem to suggest, and do really involve a healthy and good use of such mode, or, that the one side expresses, and the other meets a real want. It is the degree only that is baneful, and the form in which it is experienced. I do not believe it to be possible, nor indeed desirable, to eradicate this element of the educational machinery; nay, I think in *kind*, it is just *the* needed tutorial teaching; the extent to which it is required may and does involve other productive causes, but it denotes also this, that it is found efficient. Public tuition is found beneficial, and is responded to with interest, according as it passes over into the professorial, or narrows itself down to the private. To use old Herbert's simile, and transfer it from spiritual to intellectual teaching generally, men require to be seized by the throat, and have the stream directed into their individual channels, rather than be sprinkled over by a watering-pot; and the nearer tuition approximates this, the more substantially is the work done; and though the degree in which this is necessary varies of course with the nature of the recipient and the subject, still a certain amount of it in most subjects, in some absolutely, is necessary for all. In fact, as a *kind* of teaching, the University could be best carried on, with reference to its intellectual work, by Professors and private tutors; and the extent of the prevailing private tuition at Oxford, proves two things,—first, this assertion; and secondly, that the system somehow or other, and the existing tutorial body, properly so called, have not met this requirement, but have forced it into a strange and excrescent condition.

Causes of its growth.

If this is so, what is wanted is due subserviency and control. I have said quite opposite characters support this excrescence; yet the cause, as far as the University system is concerned, I believe to be one and the same for both. The evils of that system have been, as has been said, want of felt progressive and systematic course; under this, idleness became set, and diligence, by want of training and trial, distrustful of its own powers; the way for the one *from* what it feared, for the other *to* what it hoped, was some one, or seemed so, who specifically professed to be able to provide the requirements to either. It is not pretended that this exhausts private tuition under every phase, but an experience of some years tells me that it includes a great portion of it; and even where it is not strictly applicable, fashion—the fashion

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of doing, though not requisite, what other men do because it is—will extend the application to many besides. I should question whether there were any profession in which the fallacies of empiricism had found a fairer field. The balance of what is evil in the pursuit would seem then to lie at the door of the University, and, consequently, in its system the remedy very much is to be found. If the great vacuums of time were more broken up by recurring examinations, each being an advance in kind and degree on that left, there would be less likelihood of the carelessness and diffidence which result in the demand for private tuition. Of course, the College regulations might still fail to support this corrective by the tutorial staff being defective either in ability or numbers, and much must depend on their co-operation; but doubtless the defects of the Academic system help the defects of the Collegiate in this particular, and tutorial indifference is promoted by the want of a definite and proximate object of teaching. Very few, if any Colleges, it may fairly be presumed, would fail in at least attempting to be officered up to the academical requirements, if they were by the academical system put on their mettle. The large classes with their varied subjects, for which one man is totally inadequate, would give way to a subdivision of labour, chosen, it would be thought, from a sense of fitness for the work. What is required inside the College is the sense that the tutorial staff ought to do the educational work,—ought, that is, to prepare men according to their abilities and pretensions for those ordeals which the University proposes; and the nearer and more determined those ordeals are made, the more ascertainable as a scheme—measured and consistent—the University programme is, the more likely is that sense to accrue; as I have no doubt the converse has helped the lack of conscience under which men allowed themselves to derive large incomes for College teaching, which teaching never attempted to realize the end proposed. I remember in a large College the assertion that a man had retained a private tutor was an exemption from attendance on a tutor's lectures, though not from payment of tutor's fees. Under a definite scheme, the young ability of men capable and willing to undertake such work, might co-operate as helps to the elder staff, and so become private tutors in fact, in the only way in which they healthily may. Every College should have full cognizance of the condition and requirements of its members, and all private tuition should be under its sanction and appointment. It is clear that it cannot safely be left for its right regulation to the men themselves; not only will it run a chance of being carried to an excess, but the social and intellectual disadvantages be of almost certain result; whereas if held in check by the Colleges themselves, working in and under a definite academical system, and serving therein, it might be somewhat of an apprenticeship to a more advanced post of teaching; *morally*, the social advantages to the pupil of elder personal intercourse might be realized, without, for any object, the tutor *living down* to the younger style of the pupil; and *intellectually*, the pupil might be forwarded on his road in the way he requires without putting a pernicious barrier to the progress of the teacher. It is clear how the Professorial element, with which a definite systematic teaching is quite consistent, might aid in reducing private tuition to its true position and estimate. The instructions and examinations would by it be taken out of that cramped conventional mode, and exposition not be the traditional rendering of a few. Let us take, by way of exemplification, the Theological Course, which has been proposed above.

Remedies.

True employment of Private Tutors.

Professorial System.

Suppose it to be shaped as a fitting preparation for holy orders, though not exclusively confined, of necessity, to those entering the Church's ministry; the scheme would embrace a certain amount of exegesis, Church history, and liturgical knowledge, and in these the respective Professors would lecture at adapted times, and in appointed text-books; and inasmuch as students passing fresh from the Undergraduate course might not be sufficiently acquainted with the foundations of such study, there might be subordinate readers of the Epistles, *e. g.*, under the Professors, and conspiring, as far as the subject would admit, with their teaching: the whole making up as well-digested a body of theology as the time would allow. Now what with the earnestness of purpose in the taught, and the systematic working of the teachers, private tuition, other than the scheme itself supplied, would not be thought of; and though the subject itself, and a direct bearing on a proximate profession, may do much to excite this interest and promote these results, there is no reason why in a great degree they should not be realized in the preceding pursuits also; at all events, none why they should not be advanced as much as possible, instead of hindered, by the system itself.

Constitution.

Perhaps, instead of following the subjects in the order of the inquiries, it would have been more pointed, and expressed better the idea which it has been wished in the foregoing remarks to convey, to have first laid down the scheme of the academical course, and then involved the separate questions as they arose incidentally. Not only would the more due relation have been thus observed, but have been laid down, which is the great desideratum; a leading idea or conception, intelligible, real and true, at which with earnestness the executive may work. There can be no likelihood of due subordination of parts to the whole, unless *as a whole* the University be felt, with a head to design what the members under it conspire to develop. If it be a mere aggregate of distinct corporate bodies, whose separate action is not held in check and shaped by a general type, the result will be felt, as it has been, in a want of that truest evidence of energetic life—the power to expel diseased, to expand healthy function. It may be very much doubted whether such result is not inseparable from the governing and sole initiating authority residing in a small committee (often on important questions) of College presidents, whose chief guiding principle is most likely to be mere conservation; and the evil is considerably extended when the appointment of the chief academical officers, through whose efficiency a different spirit might be introduced, resides in the same body.

Defects of government by the Hebdomadal Board.

Things now are being tried by their substantial worth; the nominal and conventional must give way to the real and intelligible; and public interest is fast drifting from what would claim to stand only on antiquity and prescription,—so fast, that unless more worthy grounds of

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Dangers of inaction at this moment.

tenure and proceeding be rendered, especially if such claim after all is only a surface-plating for self-indulgence and inertness, the change from disesteem to hostility seems imminent. To divert this from the University, the evidence required by the world without is that of *living power;* and this not in this or that College being prominent for its high connexion, good administration, or intellectual attainments; much less, of course, for those signs of activity, *viz.*, expense, and irregularity, which witness only to a disordered condition, but of *living power* in the system itself, regarded as one entire scheme, subordinating even whilst it quickens its subject parts. The want of this makes the *outside* reproach just, viz., that the work of education for the mass is unreal, the advantages merely accidental, and the purpose about them insincere; and *inside* has begotten that master ill—the usurpation of the academical position by the separate Colleges, with all its deeply prejudicial consequences. It matters not to inquire how this came about; so it is; the fact and what flows from it are patent; and I see no means by which to disprove what is alleged against the University, or to correct its own inherent evils, better, or indeed other, than shaping primarily a more definite, progressive, and systematical course of academical education, which shall be the avowed and reasonable object of academical membership. I know none of the existing phenomena, social or instructional, suggested by your inquiries, of which the good, if any, may not be preserved, and the evil rejected or tempered, under such a scheme sincerely adopted and carried out.

Necessity of altering the Hebdomadal Board.

Is this possible without popularizing, academically, the present presiding power? I think not.

I have the honour to be,
My Lords and Gentlemen,
Your obedient servant,
DAVID MELVILLE, M.A.

P.S.—In the foregoing, 60*l.* per annum has been named as the sum at which all academic and domestic charges might be cleared in a Hall established in independence of any existing foundation.

But it may be well to enter somewhat more into detail, and show how such sum may maintain the establishment in all its branches, and, if required, make a return for all outlay in its construction. Of course the difficulty that seems to meet the starting of new Halls or Colleges, however desirable in themselves, is, Whence are the funds to come for their erection; and whence, if economy is to be observed, the income to pay that erection, if made by way of speculation or investment? Now, though it will not do, perhaps, to presume capital freely given for such purpose, I cannot but think a Hall or College, or more, might easily be raised by such means. When we remember the bequests, more than ample for such purpose, left not long ago to Queen's College and Magdalen College, in the latter case troublesome almost from its conditions and superfluity; when we look also to what is occasionally done in the provinces —Birmingham and Manchester especially, in this direction; it seems no stretch of faith, but almost a certainty, that many persons would gladly come forward to aid in such a work, if only the University itself attracted instead of repelled such aid, by the obvious sincerity of its intention. The body of requisitionists, in 1845, must have meant so to support their Memorial. Some of them, with others, proved they did so mean, by what they subsequently tried to effect, by an attached Hall, as referred to above.

I would not, then, exclude the likelihood of saving much of the expense by voluntary contribution—possibly a whole College might be thus established, and put, by the contributors, in trust under the University. But, independently of such resources, the direct income itself might, I believe, under good management, be made available for all demands, and at all events perhaps should be contemplated in any design as necessarily so to be; the amount by which in any way it was relieved from being so, might be beneficially applied for endowment, temporary benefaction, or reduction of charge. Assuming that such Halls were constructed to accommodate 60 members, this, at 60*l.* per annum each, would give an income of 3,600*l.* Under existing prices—and I do not think we may expect articles of consumption to be much, if at all higher, except under extraordinary circumstances—such an establishment can be kept well, paying rates and taxes, servants' wages, and every expense incident to house-keeping, for 1,600*l.*; I should say, indeed, 1,500*l.*, but we will take the balance above the 2,000*l.* then left. A Principal, and a staff of three Assistants or Tutors, and College officers, might divide 1,000*l.*, the Principal receiving 400*l.*, and each of the Tutors 200*l.* Though this, of course, is only laid down as an indication how such an establishment *might* be worked, its actual experiment might involve much modification and adaptation. This stipend would represent more than the same sum in existing Colleges; for the public meals, which would supply also a table for the officers, would exempt them also from all domestic charge. As there ought to be no such thing as private battels, there need be no such thing as separate accounts; all supply of items and distinct charges to the members themselves is by the plan itself rendered unnecessary; they can neither spend more nor less than what the system itself proposes, and so can fairly be charged in the aggregate, heads or divisions of charge being unmeaning and serving no purpose. I would then, considering the academic year as divided, for all practical purposes, into three parts, take 20*l.* from every member for each part, he understanding that for that sum he was to be fed, lodged, and supplied with such teaching, Professorial and Tutorial, as his status and object in the University required. There would be no difficulty in making such arrangement square with the relative subdivision of the Head and Officers suggested above, directly there was an intelligible academic scheme of education, with its involved Professorial staff, and the College teaching framed and conducted in subservience to it.

Expense of keeping up an independent Hall.

Expense to each member 60*l.* a-year.

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One thousand pounds of the income would still remain unapplied, and this would certainly be adequate to paying a good interest on the capital expended, if not for gradually liquidating that sum after the manner of money advanced by Queen Anne's Bounty. Though it is difficult to fix the exact sum required because of the inability to conjecture the value of a site; still, assuming that such is attainable on fair terms, 20,000*l.* would be sufficient for the raising and equipping such buildings as are requisite to carry out such work; and for this you have the 1,000*l.* a-year or 5 per cent. to offer. True, that this return depends absolutely on the success of the undertaking, and that there is nothing independent of such success to fall back upon, save the possession of the property—a condition that attends all ventures, and few with less inherent chance of failure; it is little faith that is demanded, if only confidence be shown in the undertaking, and that by the University itself, proportionate to the value of its object.

Surplus income to pay for capital expended.

Thus might the plan of new Halls and Colleges be realized, and this would be the financial operation. At first, of course, nor perhaps for some time, they could not furnish their own instructors, but must look elsewhere. I do not anticipate much difficulty in this, especially if the system pursued academically encouraged more men to qualify for the work, and fellowships were multiplied, and, by their attainment, implied ability to carry on the academical work, multiplied, perhaps, by their being made terminable or permanent, according as individuals evidenced, or did not, a desire and power of being academically useful. It is obvious also that, if only the University recognized a general scheme of education, under and with which the College instruction felt itself working, by the intercommunion and necessary contact in the various schools of teaching which such system would involve, much of that exclusiveness of older and highly connected societies, which is expected to tell so prejudicially against those younger bodies, would be materially modified. As I have said, the want of acknowledged identity of purpose, or indeed to most men of any obvious purpose at all, other than unrecognized, beyond the College walls of which they are members, has very mainly helped false and injurious artificial condition.

Great want in Oxford.

Also it is not out of place to observe how such Halls or Colleges, established solely for doing an useful work, and impressed in all their circumstances with this object, might help to correct the undue relation of the Colleges to the University which now, with evil consequences, obtains.

Use of Halls.

Supposing such societies were put under the general management of the governing body of the University, of which body the Head or Principal of each was necessarily a member, the example and experience of their working solely in subordination to academic ends, with the strength which their true and earnest and *bonâ fide* character would impart to them, must act back, one would think, with the best effect on societies which want these characteristics.

Answer from the Rev. Bartholomew Price, M.A., Fellow, Tutor, and Mathematical Lecturer of Pembroke College, Oxford.

Rev. Bartholomew Price, M.A.

Sir,

In reply to the heads of inquiry which I have had the honour of receiving through you from Her Majesty's Commissioners for the University of Oxford, I beg leave to submit the following opinions and recommendations.

As it does not seem to me desirable to make any change in the length of the University Curriculum, either by diminishing the number of residence terms to fewer than twelve, or by allowing the B.A. degree to be taken at a period earlier than the present, my suggestions have reference to an University course of the length that it now is. With the exception of a matriculation examination, which a proposed change renders at least expedient, if not absolutely necessary, I have not entered upon the subject of examinations, being desirous that in such matters it be left to Congregation or Convocation, or some other authorized body of the University, to make those changes which it, in its discretion, thinks fit.

Constitution of the University.

For the sake of convenience I have arranged my communication under the four general heads of *University Government*, *Collegiate Foundations*, *Instruction*, and *University Extension*.

(A.) As to University Government, I think it desirable that the general feeling and opinions of the working staff of the University, including Professors and Tutors, should be more adequately represented in the governing body; neither in the thing itself, nor in the practical working of the present system, do I know of any reason why the Hebdomadal Board should be *restricted* to the Heads of Houses, as it now virtually is. Also I think that the disposal of many offices, such as Professorships, University Law Scholarships; that the Approval of Examiners after Nomination, the Passing of Examination, and such like statutes, would be more advantageously entrusted to the whole body of Heads of Houses, Professors, Tutors, and to those who have charge of the discipline of the Colleges and the University, than to Convocation. And does not the mode of appointing Proctors require alteration? The present Procuratorial cycle is not suited to the relative numbers of the members of the Colleges; and I know of no reason why an *University office*, of such responsibility and power, should be restricted, as it now practically is, to Fellows of a College; and of whom generally not the one best suited to the office, but the senior is appointed. Surely such officers should be chosen out of the whole body of Masters of Arts, of sufficient standing, whether they be on Foundations or not: hereby the University character of the office would be better recognised. I would suggest, therefore:

Hebdomadal Board.

That the House of Congregation, or some other similar body, should be placed on an efficient footing; that it be composed of the Vice-Chancellor and Proctors, Heads of Colleges and

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Halls, University Professors and Lecturers, Public Examiners and Masters of the Schools, the Pro-Proctors, and all College Tutors and Deans, the aggregate of whom would form a body of upwards of 150 members.

New House of Congregation.

New Hebdomadal Board.

That the Hebdomadal Board or Governing body of the University be formed of 25 members, of whom the Vice-Chancellor shall be one, and the President; of the remainder, 12 should be chosen by the Heads of Colleges and Halls, two should be the Proctors, and ten should be elected by the House of Congregation; that of these ten, two should retire every year by rotation, but should be capable of re-election; so that no one should be a member of the Board for more than five years without re-election.

To the Governing body should be entrusted all the ordinary functions of the present Hebdomadal Board; the management of the University property and accounts; the origination of motions to be brought before Congregation and Convocation; the general superintendence of the discipline of the University, and of the public Professors and Lecturers.

To the House of Congregation should be assigned the ordinary duties which it at present discharges; the election of the Proctors each year; the appointing of such Professors as are now elected by Convocation; the approval of Examiners who have been nominated by the Proctors, or by the several Professorial Boards; the passing of laws which have reference to the discipline or instruction and examination of the students of the University, &c.

To Convocation constituted as at present I would leave the making and altering of such laws as relate to the University's power of self-taxation; the election of Burgesses; the disposal of ecclesiastical patronage in the gift of the University, &c.

Advantages of the new Constitution.

Of such a system of Government there would be many advantages.

(1.) The *University* character of the Hebdomadal Board would be more fully realised; the public officers would be represented; and the collegiate character placed as it ought to be in a subordinate relation.

(2.) The wants and opinions of the working staff would be represented by persons such as Professors and Tutors, who would be well acquainted with the state of the University, and thereby measures would be more readily devised for the improvement of discipline and education.

(3.) The office of Proctor would be one of greater honour and dignity; inasmuch as it would be conferred by the whole University, as represented by the House of Congregation, and not by a College only: and thus the duties would be more efficiently discharged, and the wants and character of the University (as in the nomination of Examiners) would be regarded more than the interests of a particular College.

(4.) As all who would actually be taking part in the instruction and discipline of the University would more directly have a voice in the management of its affairs, so would they devote themselves with more zeal and energy to the promotion of its fame and efficiency.

(5.) The evil would be remedied of a large body of persons like the present House of Convocation being invited to vote on questions of discipline and education, on which their absence from the University renders them incompetent to give a judicious opinion.

Collegiate Foundations.

(B.) As to the means of modifying existing Foundations, and the changes required in the manner of election to render them more available for the purposes of *learning* and *education*, the following considerations offer themselves, and lead to some such alterations as are suggested.

It seems to be not sufficiently recognised, that a Fellowship is *an office*, and as such, has certain *duties* belonging to it, and imposes upon the holder an obligation to discharge them. It has become a kind of prize, which is bestowed in various ways according to the different Colleges; in some for literary distinction; in others for kindred to a founder, or birth in a particular locality, or education at a particular school; in others from motives of personal friendship; in others from relationship to the electors; hereby the due qualification for the discharge of the functions of the office has, in many cases, been lost sight of. In many Colleges (six or seven) boys are admitted scholars on the foundation, at ages varying from 16 to 20, having previously passed such an examination as would enable the electors to choose the most promising candidate, or as would indicate a fair probability of the University examinations being passed in due time; and if (generally within a prescribed time) the public examinations are passed, with or without honours, and no great breach of College discipline or of moral conduct has been committed, such scholars are admitted Fellows as vacancies occur, or otherwise, as the case may be. But what guarantee does a boy's examination, of four or five years previously, give of his qualifications for the office on which he is entering? No examination is undergone to test his fitness: of the eligible scholars, not the best qualified, but the senior is chosen, whether or not his general character and intellectual attainments fit him to give instruction, or to manage the affairs of the College. In some cases a *form* of election is gone through, and it may be questioned whether the necessity of *election* does not imply a choice of the fittest, and a power of rejection, if the candidate be unfit, and therefore an examination to test fitness; in other cases the senior scholar succeeds almost as a matter of course; but be that as it may, no guarantee is given to the College, save the slight one of the University examination, that he who is henceforth to be a Fellow, and as such to take part in its management and discipline, is qualified for duties of so high moment. Again, what can be a greater inducement to idleness for a boy, of perhaps good abilities, but of an indolent disposition, than so early in life to become a scholar of a College, with the greater part of his expenses paid, with a circle of agreeable companions, with such attainments from school as are sufficient for the ordinary pass-examinations, than to know that whether he is studious or not, whether he takes honours or not, he will succeed to a Fellowship, which will afford him a competent income, and that he will in due time succeed perhaps to a College living? By such a foundation a greater *injury* is done to a boy than all the future advantages of a College can repair. There is no stimulus to arouse his powers, he has no one to compete with, his energy is dormant, and as he has begun

Evils of close Fellowships.

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so he passes the rest of his life; first, perhaps, as a College Fellow, and afterwards as a country clergyman. And to whom has the University a right to look for the *Tutors* and *Instructors* of the students? To the Colleges; for the Colleges, with the exception of the five Halls, have absorbed the University into themselves; and the places of influence and emolument in the Colleges are bestowed on those who are unable to assist the University in her need. It appears that at the present time the College Foundations are incapable of supplying *many more even Classical Tutors* than are now employed; and so far from giving encouragement in the University to the promotion and teaching of physical science, of the nine Professors in the various departments of Natural Philosophy (excluding medicine), five have never been on any foundation at all, and (with perhaps a single exception) never have I known a Fellowship to be awarded for attainments in Mathematics or Natural Science alone, however great they might be, or however well suited the candidate might be for giving instruction. And to return to the original foundation of such Fellowships, they seem to have been established for three reasons:— Firstly, that the Fellows should take part in religious services for the benefit of the founder; from this the present holders have been released by the statute law of the land. Secondly, that persons devoted to study might, in Oxford, have a retreat from the bustle of the world, and a quiet maintenance provided for them. Thirdly, that they should be the instructors and tutors (guardians) of the students. These two latter objects still remain, viz., *learning* and *education*. But are we doing all we can to secure these? Do we require from the holders of such offices a guarantee of their qualification and aptitude to discharge the duties? The question must be answered in the negative.

Original purpose of Fellowships.

To remedy these defects might it not be expedient that the necessary connexion between Fellowships and Scholarships should be at once severed; and that *in no case* should a Scholarship, or any office of a similar kind, *necessarily* lead to a Fellowship?

Scholarships not to lead to Fellowships.

That, appropriating a certain number of Scholarships to a school, to which they had been heretofore annexed, in case that school has well-qualified occupants, all others should be open, without restriction as to parentage, place of birth or education, or any other, save such as the University should impose, or the College should require as to age.

That Scholarships and such like should be tenable for five years; hereby a due succession would be secured, and the College would in the ordinary course be relieved of disqualified and idle scholars; I mention *five* years, as being sufficient for a student to complete his University course and to take his B.A. degree.

That in Colleges where the Fellows and Scholars, or what are equivalent to them, are called by a common name, and collected into one body, a division of them be made into Fellows and Scholars, or into Senior and Junior Students, or such like, and that they be subject to the same rules as the members of other foundations.

That, inasmuch as I think it is essential to the well-being of a College that there should be Scholars as well as Fellows, as thereby an unity of action is better obtained, and an *esprit de corps* is infused, all Colleges should be obliged to found Scholarships where there are none at present, *pro ratâ ratione* to the number of Fellows; say two Scholarships at least for every three Fellowships.

Abolition of limitations.

That all limitations of Fellowships, as to family, place of birth or education, should be removed; whatever advantages or disadvantages may have attached to certain localities or counties, there are none such now; improved means of locomotion have, amongst other things, made all alike.

That all Fellows should have passed the examination for the B.A. degree, but that the restriction as to celibacy be retained.

Fellowships terminable generally.

That all Fellowships should expire at the end of *ten* years from the date of election, but in case a Fellow should be an University Professor, Public Lecturer, College Tutor, or be very serviceable in the management of the financial or other business of the College, or be continuously resident in Term Time, or for a certain portion of the year, say for ten months, and be devoted to study, it shall be in the power of the college, with the visitor's consent, to re-elect him for life. I fix the term at *ten* years, because by that time a fellow will either have quitted Oxford and be labouring in the ministry of the Church, or in tuition elsewhere, or will have prepared himself for the bar, or other learned profession, or will have remained in College or in Oxford, and have given such evidence of his aptness for learning and education as would justify his re-election.

Ecclesiastical patronage.

As to the disposal of ecclesiastical patronage belonging to a College, it would be advisable that all who have been, as well as they who are Fellows, should be considered to have an especial claim for it; so that one who has been a Fellow, but chosen to leave the University and labour in the Ministry elsewhere, should be equally eligible with the actual Fellows for College livings; but I think a limit as to age should be fixed, as for instance, that no one should be presented after he is 50 years old. To remedy defects which are now experienced from a large majority of Fellows being either lay or clerical, I think that two-thirds of the Fellows should be obliged to be in Holy Orders within three years after admission.

Limitation of Fellowships in value.

I am also very decidedly of opinion that no Fellowship should be of greater value than 200*l.* a-year, exclusive of rooms only; such an income, added to the usual salary of a tutor, say 300*l.* a-year, is sufficient for remuneration; it would also be enough for a person devoted to study and learning, taking account of the facilities for such pursuits afforded by the College and other libraries; it would also, with economy, go far towards the preliminary expenses of a student preparing for the bar, or other learned profession; and if it be more it might be an inducement to idleness; it would be necessary, therefore, that all "allowances" should cease, and the fund of such should be fused into the common stock of the College.

Also in Colleges where the endowments fail to yield to a Fellowship an income nearly equal to that recommended, it would be advisable to take advantage of such a licence as is now given

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in many of the statutes, and diminish the number of fellowships as vacancies occurred, until the average value of each was about 200*l.* a-year; and of course all fellowships in a College, however different be their present foundations and qualifications, should be fused in respect of income. By such an arrangement the inducement to migration would be removed, and although the fellowships of any College might be filled with fitting occupants from other Colleges, yet small Colleges might secure the services of able tutors as well as larger ones.

Application of surplus Revenues.

I also am of opinion, that all means at the disposal of a College, after the payment of the Head, the Fellows, and the Scholars, should be applied—

(1). To the foundation of halls, such as are recommended hereafter, in the way of buildings, endowment of Principal, exhibitions, and such like.

(2.) To the foundation of Professorships, or lectureships, for the use of the whole University; such as appear to have been intended in some of the present College Statutes. I think it fair, if a College increases in number of members, and in attached Halls, that it should also, out of its abundant wealth, contribute to the provision of such public instruction as it looks to the University to give.

(3). To the increase of the number of fellowships and scholarships in the College, "*pro ratâ ratione;*" and to the foundation of exhibitions for poor students.

By such an arrangement of fellowships, &c., there will be found a sufficient number of well-qualified teachers, for all the members of the University, even should the number be much increased by the foundation of new Halls; and although the Colleges, as now constituted, may not be able to provide instruction in all the subjects of the new Examination Statute, yet in such an altered state it would be otherwise, except in such studies as, for purposes of illustration, require a museum, or large and expensive apparatus.

Fellowships for all deserving Students.

It appears, from the Calendar, that there are, at present, 558 fellowships in the University (including the fellows of New College, and of St. John's, and the students of Christ Church), of which the average tenure, at the present time, is supposed to be 10 years. If, then, as above suggested, in each of the three named Colleges, a division be made into seniors and juniors, and the number of Fellows be increased and reduced, according to circumstances, we may calculate on there being about 400 fellowships, and, taking the average tenure to be 10 years, on about 40 vacancies occurring in a year. Now, the average number of first and second classmen, during the last 10 years, has been 40; hence, under such an arrangement, there would have been vacant fellowships for all. When the new schools come into operation, the number of first classmen will be larger, and their attainments more various; and instead of the fellowships being confined, as at present, to classical men, we may expect such prizes for those who distinguish themselves in mathematics, history, law, physical science, &c.; not that it is desirable to make any restriction in the way of University honours, as to qualifications which electing fellows may require; for, doubtless, high moral character and integrity, though accompanied with less intellectual ability, may form a fit claim for such an office, and there may be a justifiable preference for a meritorious scholar of the same College, yet I think that, *generally*, the fellowships will be occupied by persons of *learning* and *parts*. Thus competent instructors will be provided by the foundations of the Colleges for the students; and there will be retained in the University able men who now seek employment elsewhere; and it will become not only a place of education, but, what it ought also to be, a seat of learning.

Visitors of Colleges.

Would it not also be expedient, that the visitor of each College should, every three years at least, personally "visit" his College, and inquire into its discipline and management; or cause such an inspection to be made as should satisfy him that the requirements of the Statutes were fulfilled?

(C.) The evils of the present system of College lectures and of private tuition are such as the following; and if they are to be remedied, and a more efficient mode of professorial teaching is to be introduced, which seems to me especially desirable, it must be done in some such a manner as is suggested.

Tutorial System.

No doubt it is true, that Oxford is not *one* University, but 24 Universities collected at one place: hence, with one or two exceptions, there is no instruction which is, practically, common to all; the University Public Examination School is the only place where all the members meet; thus, instruction has been given to students only within the Colleges; the University Professors and their lectures have been ignored; the College Tutors are no longer Guardians only (*Tutores*), but they have usurped the offices of the Public Professors, and have arranged their lectures and instruction without reference to the public lectures; thus, for the most part, College Tutors have become College Professors; and hence arises one great evil of the present tutorial system; the tutors are few in number in each College, and yet all the subjects of the University Examination, both for passmen and classmen, have to be apportioned between them; three or four instructors have to teach classical scholarship, knowledge and criticism of ancient language, ancient history, both Grecian and Roman, moral philosophy, metaphysics, logic, theology, and, in some cases, mathematics and natural science; and, by the new Examination Statute, as the subjects of study are increased in number, so will the evil be aggravated; hence, the result is, that the Lecturers have not time for the especial study of any one branch of learning, and the lectures are deteriorated; and students of various diligence and calibre having been collected together into one class, the character of the lecture is let down to the lowest capacity, and the students of the greatest promise and ability have been obliged to seek elsewhere for that instruction which, under better management, would be provided for them within the College walls, or by the University.

Private Tuition.

Hence the origin of one class of private tutors, to whom the ablest students resort for the higher branches of knowledge, which are the subjects of examination for University prizes, the

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public schools, and the most valuable fellowships; hence it is that the character of such private tutors is that of private Professors. They give lectures, for the most part, in only one branch of study; one is resorted to for scholarship, another for logic and moral science, and another for mathematics; and, not unfequently, the student goes to several in succession: thus, then, private tutors take the place of, and supplant the public Professors. In such a system there are manifest evils; only the rich can, for the most part, avail themselves of this help. Students are, to a certain extent, "crammed" for an examination, that is, only so much of a subject is taught as "tells;" the teaching has rather respect to the examination, than to the cultivation of the intellectual powers, and the formation of character; a subject is not studied in a broad and comprehensive manner; and the student's energies are cramped. One cause of the evil, perhaps, necessarily arises from the principle of testing attainments by examination in one particular subject, and perhaps another cause lies in the particular character of the examination papers (and I would remind you, that a like fault is alleged against the Cambridge mathematical Senate House papers); but I think it may be questioned, whether both these faults will not be in a degree remedied by the new Examination Statute, allowing, as it does, a greater *division* of subjects, both as to matter, and as to *time*. And yet this system of private tuition is attended with beneficial results to both tutors and pupils. A clever tutor chooses that subject for which he has a natural liking; he studies that one in preference to others, reads what bears directly or indirectly on it, devotes his time and energies to it, excites others to take an interest in it; their interest is aroused by being brought into contact with one who loves his subject; they are stimulated to study it; they prepare, and with much greater pleasure, what is necessary for his lectures, than for all College lectures; and, almost in spite of themselves, they read, and are frequently glad to go to their private tutor at some inconvenient hour after mid-day, or at night, whereas a College lecture is at any hour irksome.

THE PROFESSORIAL SYSTEM.

Now, although I think it impossible entirely to do away with this class of private tutors, and doubt whether it be desirable to do so, as competition is one of the keenest motives to exertion, and as those who become the ablest teachers are thus brought into prominence, yet, I think, the evils will be in a great measure abated by a good staff of working University Professors and Lecturers; I think we have evidence to this point, in the full attendance of late on the lectures of the Professors of Logic and Moral Philosophy, and on the Experiments of the Reader in Experimental Philosophy. The former two bear, more than any other lectures in the University, on the Literæ Humaniores School of the present and the in-coming Examination Statutes; and as the present Professors have especially adapted them to students preparing for that School, they have been well attended; and the latter lectures being on subjects that all men have more or less a taste for, and being by the present Reader fitted to the undergraduate students of the University, are attended not only by those who have a decided natural liking for such pursuits, but also by others, who resort thither for the sake of information. Hence, I think that if the matter of a Professor's lectures is such as bears directly on the examination, students will attend them, as they now go to private tutors; for I take it, that although some go for the sake of acquiring learning, yet the object of the greater number is to distinguish themselves in the public examination, and thus to obtain prizes of emolument as well as of honour. No doubt an individual student may in a given time learn more from an able tutor, who bestows all his care and time on him alone, than he can from a public lecturer, who has to consider the capacity of all his hearers; but this is an advantage belonging to a rich man, as such, and only what he has had at *his* school, which is superior to that where the poor student has been; and this is a superiority beyond our reach. Yet, I think the great difference between the rich and the poor will be removed, and that the poorer man may, with attention and industry, derive from the public lecture almost the same benefit and instruction as the rich man from his private tutor.

Again, if, as is suggested in the sequel, Masters of Arts are authorized by competent authority to open Halls, either in connexion with existing Colleges or independent of them, and if the object of such Halls be in a great measure to enable students to live at less cost than at present, it seems imperative on the University, whose office it is to teach, to provide instruction for such poorer students, and thus to relieve them of the expense; and, moreover, for such Halls, where the staff of teachers would be very limited, it is necessary that other lectures be given, somewhere; and on whom would the students have a greater claim than on the University?

Indispensable under the new system.

Again, the subjects of natural science, such as experimental philosophy, chemistry, and physiology, which have been lately introduced into the University curriculum, require expensive apparatus and large collections, for the purpose of illustration; lectures may be given by College tutors in the elements, and a few experiments may be exhibited, but full and sufficient knowledge for the Honour Schools can only be obtained in a public lecture room.

Number of Professors needed.

For the efficient working of such a system of University instruction, the staff of Professors must be that which a proper division of subjects requires. For the schools of Literæ Humaniores, Modern History, and Law, there must be Professors of Greek, Latin, Ancient History, Modern History, Moral Philosophy, Logic, Political Economy, and Law; and for the schools of Mathematics and Physical Science, Professors of pure Mathematics, applied or mixed Mathematics, Experimental Philosophy, Chemistry, and Physiology would be necessary. Each of these Professors, I think, should be appointed for life; and the appointment might be advantageously entrusted to various hands, according to the foundations; as, for instance, let the Regius Professors be appointed by the Crown; others, as the Savilian Professors, by certain great Officers of State; others by Congregation; and subscription to the 39 Articles is the only condition I would require. Their salary should be, at least, 500*l*. per annum, independently of fees.

And as such Professors would be, it is hoped, some of the most eminent men in their

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respective departments, as it would be injurious to them that their time should be wholly employed in giving lectures in the elements of their learning, as well as in the higher parts, to the younger students; they ought therefore to have leisure for pursuing their respective studies, and for enlarging the bounds of their sciences, being, as it is presumed, persons capable of doing so; but inasmuch as the students have also a claim on the University for instruction, and as it ought to give that teaching which is now derived from private tutors, it seems desirable that, when it is necessary, there should be public teachers of a different kind to the Professors, who might be called Public Lecturers, whose duty it should be especially to give lectures to students. This I consider to be a matter of the utmost importance for the efficiency of the system: whenever, then, a Professor in any department has a larger class of pupils than he can personally attend to, or when the necessary attendance on them should require so much time as to interfere with his private studies, or when he should be incapacitated by illness or age, he should be empowered, concurrently with the Vice-Chancellor and the Hebdomadal Board, to appoint one or more lecturers in his department, who should be of the degree of Master of Arts at least; their duty it should be to give lectures, for the most part, in the lower branches of the subject or science; these lectures should be catechetical, or of that kind which is best adapted to convey instruction. Their duty would generally be to prepare students in the earlier part of their University course for the Professor's lectures in the higher departments; hence it would be convenient to put them under the general direction of the Professor, so that he should be the head and representative of his department in the University, and have the management of the lectures, and students would go to him for the last year of their residence. Such lecturers should give lectures two hours a-day for five days in the week, and for at least seven weeks during each of the three terms in the year; the additional work of examination, composition, &c., which is necessary to an efficient instruction, would afford them ample employment during the rest of their time.

Public Lecturers.

Their duties,

To such lecturers the University should give a salary of 250*l.* a-year; and they might also be allowed to take fees from those who attend, as *e. gr.*, one guinea a course, or in case of poor students, half-a-guinea, under due certification of inability to pay the full fees; by such means, if a lecturer had two classes of 20 pupils in each, he might during the year increase his income by 100*l.*, and as he would generally be a Fellow of a college, and thus have an income of 200*l.*, his total income would be 550*l.*, which would be considered sufficient for his services. The University might thus, I think, secure the services of the most able instructors. The office of Public Lecturer would be more honourable than that of private tutor, having the public sanction of the University. Such lecturers, however, should only hold office so long as their services were required; should any change be made in the subjects of examination in the University, and thereby the lectures in any department not be attended, or should the lecturer neglect his duty, and the students fail to obtain from him the instruction they required, so that they sought it at their own expense elsewhere, I should recommend that it be in the power of the Professor, concurrently with the Vice-Chancellor and Hebdomadal Board, to remove him, and, should it be thought advisable, to substitute another lecturer. For such lecturers, rooms should be provided by the University, and the lecturer should make returns to the Hebdomadal Board of the number of lectures given in each term, and of the number of students who attended them.

and salaries.

The Professors should also be obliged to give a course of lectures in each of the three terms in the year; and each course should consist of thirty lectures at least, giving five a-week during six weeks of the term, unless the Professor should be hindered by illness or other unavoidable causes. Thus to his leisure for study would be added the duty of teaching, which is so important for the due conception of at least a scientific subject.

To the Professor licence should also be given to take fees of the same amount as the lecturer. I think such payments are advantageous to both teachers and pupils. The pupil considers the lecture and the time as in a measure his own; he has thus another motive to attendance and attention; and though such an inducement may be slight, yet I consider of vast importance whatever arouses his energies or excites his interest; and whenever such a payment were inconvenient to a student, the Professor might remit it.

In the present state of the subjects of examination and instruction, probably nine such lecturers at least would be required, and in the following departments,—Greek, Latin, Ancient History, Modern History, Moral Philosophy, Logic, Pure Mathematics, Mixed Mathematics, Experimental Philosophy.

Experimental Philosophy.

As to mathematics and kindred subjects, such a professorial arrangement as the following would be necessary and sufficient. In the first place there should be a Professor of Experimental Philosophy, whose office it should be to exhibit experiments in mechanics, hydromechanics, optics, electricity, and its subordinate branches; such subjects require little, if any, knowledge of mathematics, and are particularly of a popular kind; results and properties of natural phenomena are exhibited, and are but rarely and incidentally traced to their causes. All that the University would require in this department is performed by the present able Reader, except that he might require a lecturer from his inability to attend to so large a class. In the second place, lectures must be given in each of the two departments of mathematics, viz., in pure and applied mathematics. For the former branch, viz., pure mathematics, including algebra, geometry, and the several parts of infinitesimal calculus, and the calculus of finite differences, one Professor would be sufficient, who would probably require one lecturer at least, as such subjects are those which are perhaps better than all others adapted to the training and culture of the intellectual faculties, and the study of which, I think, the University ought to foster by all available means. Something, perhaps, has been done towards the promotion of such a desirable object by the change in the examination statute, and it is incumbent on us to provide public instruction for those who do not or

Pure Mathematics.

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cannot obtain it in the several Colleges. For the latter branch, viz., Mixed Mathematics, in which mathematical symbols and reasoning are applied to the explanation of cosmical phenomena, and to the connexion between cause and effect, and which thus include Mechanics of both rigid and fluid substances, Physical and Plane Astronomy, Geometrical Optics, the theories of Light, Heat, Electricity, two Professors would be required; for one subject, viz., Astronomy, is so large, and has such various parts to be taught and cultivated, that it is sufficient for one Professor; the practical work of an observatory, the methods of nautical astronomy, the means of determining time, and, as subordinate to this, questions of chronology and of calendars, and the higher branch of physical astronomy, would require to be lectured on, and will yield sufficient matter for the lectures of one Professor; and the other subjects of mixed mathematics will give sufficient work to another Professor. And as these latter subjects come into the examinations, it would be necessary that there should also be a lecturer.

Mixed Mathematics,

to be apportioned between the Savilian Professor of Geometry and the Sedleian Reader of Natural Philosophy.

The staff of mathematical Professors which the University has at this present time is therefore sufficient in number, the subjects only require re-arrangement. To the Savilian Professor of Geometry should be assigned the branch of Pure Mathematics; the Savilian Professor of Astronomy should continue as heretofore to lecture on Astronomy; and the Sedleian Reader in Natural Philosophy should take the department of Mixed Mathematics, short of Astronomy. I may observe, that the latter two Professors would require lecture-rooms, each of which should be fitted with apparatus necessary for instruction; as, for instance, the Professor of Astronomy would require a transit-instrument, a circle, an equatorial, and an azimuth and altitude instrument; for the Sedleian Reader little would be needed, as the Professor of Experimental Philosophy would supply almost all that was requisite. In reference to the last suggestion I may remark, that the University has nothing to do with nor any control over the Radcliffe Observatory; it is an institution under the direction of Dr. Radcliffe's trustees, and were it possible for the University to use it for purposes of instruction, it would be inadvisable to do so, as impediments would thereby be caused to the due performance of the necessary work of the observatory.

And again, since the College lectures are given to large classes of students of various capacities and attainments, sometimes to as many as 25 and more, the result is that not only do students of the greatest merit and promise fail to obtain there the requisite information, but also the inferior men, they, that is, who only with extreme diligence and perseverance are able to pass the ordinary examinations, do not derive from them the instruction they want; more individual care is required by them than the time and multifarious pursuits of the tutor allow him to give. Hence arises the need of, and work for, another class of private tutors, who give lectures in the books of the ordinary pass-examinations to such students, one by one; and to whom also students of more pretence and better abilities, and frequently of good early education, but of idle habits, go to be "crammed" for the examination; no system will, I think, be wholly free from these defects, but they may be lessened; in the first place, by a stricter discipline in College, and at College lectures; and by more frequent examinations, such as the new examination statute has introduced, the idle man will be arrested, and if the idleness continue, his course will be closed; and in the second place I would suggest the expediency of an *University Matriculation Examination*, so that students should be hindered from entering who do not exhibit such proficiency as to give a reasonable likelihood of the public examinations being passed in due time; but of this more hereafter. The effects of such a system of private tuition are bad both on tutors and pupils; idle men of good abilities and bad habits are confirmed in their idleness, they waste their time in sports of various kinds, with the intention of going to a private tutor for a month or six weeks before the examination, during which they obtain just sufficient "crammed" knowledge to enable them to pass at the lowest standard, or sometimes they fail: and the industrious men of low natural talent, who under an efficient matriculation examination would not be allowed to enter, are put to the expense of reading with such tutors during their whole course, and at last discover that the public examination, low as its standard is to enable such men to pass, is yet too high for them. The effects on the tutor are too palpable to require description.

Matriculation Examination.

But to the industrious and diligent student of moderate abilities the college lectures are sufficient, except for the natural science subjects, and well adapted; in many cases they might do more than at present: and, I take it, that under a better arranged and better working system of professorial lectures, tastes and capacities will be called forth which now lie dormant; and at least, the last year of their residence may be spent in such studies as qualify them for their particular profession. The incapable therefore I would hinder, by the matriculation examination, from entering the University, and thereby placing themselves in a false position; and the idle I would restrain by more frequent and stricter examinations; and the cleverer I would relieve from the almost necessary expense of private tuition by providing such public lectures as would secure the objects held out by private tutors; and as I conceive, under the altered system, a larger number of fellows would be resident in Oxford than at present, and these for the most part qualified to give instruction, I think that students will be more carefully trained than under the present system.

University extension.

(D.) As to the means of extending the advantage of the University to a greater number of students than at present, and of lessening the expense, some such scheme as the following seems practicable. The obstacles in the way of persons who do not avail themselves of an University education are chiefly two, *want of Discipline* and *Expense*, each of which affects a different class of persons; the rich are for the most part debarred by the former, and the poorer by the latter. Now, although many elements are required to form what is called a "good" College, yet the foremost is good management, which results in a strict discipline and good lectures; at Colleges which have, and deservedly so, this character, the applicants for

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admission are many more than the College can accommodate; doubtless many who cannot be received go elsewhere in the University, but the knowledge of such an application being useless debars many from applying; and an unwillingness to entrust a youth to a College where the discipline is laxer, where the facilities for idleness and extravagance are greater, the lectures are inferior, and the tone of the College and its society is lower, renders it necessary to seek for education elsewhere; hence many, I believe, and some I know, lose advantages which under a better system they would have; and Oxford has not done what in duty it is bound to do; many of the leading statesmen and scientific men of the day have not come here, because it has failed to provide for them such training and such instruction as they require: something has been done towards remedying this defect in the new examination schools which have been lately introduced; law, and political economy, and modern history, are included in the University course; natural science is no longer ignored: to the nobleman and gentleman-commoner and the country gentleman the elements of knowledge will be taught which their situation requires; and the student of scientific taste may in the University learn much of the elements of his science. The altered system of foundations, involving, as I think it does, better management, stricter discipline, and a more learned body of resident fellows, and the new professorial system, whereby lectures will be given more congenial to the tastes and pursuits of such students, will increase their number; and hence arises the necessity of devising some plan for their accommodation consistently with moral control and discipline, and without displacing those who now resort to the University; otherwise we shall only be aggravating a fault which is charged upon us now, and with much truth, that Oxford is the University of the rich and not of the poor.

Need of it at this day.

Expense the great obstacle to it.

And again, expense is the great obstacle in the way of the poor; for, although at one or two Colleges it may be possible to batell as low as 60*l.* (including coals and washing), and though thus allowing 10*l.* for clothes, 10*l.* for personal expenses, and 10*l.* for books, a student's annual expenditure may not be more than 90*l.*, yet such a frugal expenditure requires more moral courage and purpose than experience tells us we can calculate upon in the mass of students; and it is well known that very few of the undergraduates live on 90*l.* a year. A youth of small means is cast into the society of those of more ample means, temptation to extravagance meets him, he falls under it, and in the end is even sometimes involved in debt past recovery; the University has to bear the scandal and the student is ruined; and it is not only students who can provide 90*l.* a year, but to those who can afford 50*l.* or 40*l.*, or even less, that the benefits of a University, consisting as it does of foundations for the most part eleemosynary, ought to be extended. If a youth has talent and moral qualifications, be the son of a poor clergyman, or a country attorney, a medical practitioner, or of a tradesman, or of an artizan, who has been educated by his father, or at the grammar school of the town, the want of 50*l.* a year for three years ought not to be such a bar as to deprive him of the advantage of institutions in which the whole nation has an interest, and from which he is by his poverty at present excluded. The want is urgent; the higher ranks of society demand education more congenial to their tastes and more adequate to the knowledge of the day; the scientific men complain, and justly, that their subjects are ignored; the Church wants more ministers; the young attorneys and medical students better preparatory training; the University has lost its hold upon the affections of the people at large, and hence it is absolutely incumbent on us to devise means to remedy the evil.

Taking it to be a matter of the first importance that the religious character of the University should be preserved intact, and that such a discipline should be enforced as is necessary for an efficient control of the students, I would suggest,

Affiliated Halls partly supported by the Colleges.

I. That existing Colleges should open Halls, wherein students should reside; that the students should be members of the College or Hall, and subject to such discipline and regulations as the Head or Governing Body of the College or Hall should think fit; and that a Fellow or Tutor of such a College or Hall should reside in, and superintend, the affiliated Hall. I would leave it to the authorities of the College to devise means for lessening the expense of such students, but probably less might be charged for their tuition; a single room in the Hall might be allowed to each; there might be a common breakfast-room and recreation-room for all; all private parties might be forbidden within the Hall; the library, Hall, and chapel of the College, on which it depended, would suffice for such an institution; and the students might either dine in the College-hall at an earlier hour, or have a dinner provided for them in the common room of their own Hall, whereby in a great measure the expense of a separate institution would be saved; only a porter and servants to wait in the rooms and clean them would be required. To such students, on the College authorities presenting a certificate of poverty, the public professors and lecturers might charge half-fees, the University might remit fees at matriculation, and at taking of the degree; and the Government might remit the stamp. Judging from the expense at Bishop Hatfield's Hall at Durham, the several training schools, and from St. Augustine's College at Canterbury, I conceive that the annual expense of such students for 26 weeks might not be more than 30*l.*, assuming, as I do, that well-endowed Colleges should be compelled to provide such institutions out of their superfluous wealth.

Independent Halls.

II. That power be given to the Vice-Chancellor, with the concurrence of the Hebdomadal Board, to license any Master of Arts on his application to open a Hall independently of any existing institution, and on his own responsibility; and that in case the lax discipline or extravagance of such a Hall became a scandal to the University, the licence be withdrawn from the Master of Arts and from the house. It would not perhaps be possible for such a Master of Arts, without pecuniary aid or eleemosynary contributions, to maintain students at as low a cost as in affiliated Halls, yet the University would derive many advantages from such institutions; the principle of competition would be introduced, and thereby the vigour

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and activity of all would be promoted: individual Masters would have personal interest in their Hall, and their fame and reputation would, in a great measure, depend on the success of it. Many who might never be on any foundations, and still have an aptitude for education and instruction, would be enabled to open such Halls for themselves; large eleëmosynary aid would I believe be afforded to such institutions, and ultimately students would be well educated in them by means of exhibitions, &c., at less expense than in the affiliated Halls; it is true that at first if the Hall be self-supporting, the expense must be greater, but it would be to the interest of the Principal or manager of it to reduce it as far as possible, otherwise he would be unable to compete with Colleges and their dependent Halls. The Principal, it may be objected, could not lecture to his pupils on all subjects; it is true that he could not, yet he might on some, say on Theology and Literæ Humaniores, and for lectures on other subjects they must resort to the University teachers; the discipline of the Hall would be in all respects under the direction of the Principal, and he would be responsible for it to the University at large.

Lodging in private houses.

There are, I think, very grave objections to allowing students to lodge in private houses more generally than at present, either by letting them out of the College walls at an earlier period, or by receiving them as members of the University without being members of any College or Hall. I know of no superintendence over their moral conduct to secure them from vice as efficient as the College system; and hence until the previously suggested Halls have been tried and found to fail, surely it is dangerous to hazard an experiment of such consequence as loss of moral control; for such students, liberated from College discipline, would have to dine at taverns, and thus be brought into communication with persons of low habits; would not be confined, as now, to daily prayers, and would lose the advantage of familiar intercourse, except at University lectures, with seniors of superior character and attainments; they would also have those facilities for vice which no *public* or *University* system of control could reach. Rules as stringent as possible may be made for the masters of licensed lodging-houses, but such do not bind the *domestics;* and it would be discovered, as at Cambridge, that the rules were ineffectual; and, moreover, it might be questioned whether the main object would be gained, that is, whether the expense of such a mode of living would be, or could be, made less than that of the two kinds of Halls above suggested.

If, however, means are provided within the University for educating persons of a poorer class, care must be taken not to place in perhaps a higher station of life those who have neither moral nor intellectual qualifications for it, for otherwise a great injury is done to them; such persons are not to be educated because they are poor, but we are to see that poverty be no bar to advancement where there is natural ability, which only requires culture; otherwise our eleemosynary foundations are abused. Hence, however, arises the necessity of some guarantee being given to the University that those who are admitted are competent, with industry and perseverance, to pass their public examinations; and hence the *necessity* of a matriculation examination; and while the University thus guards itself against unworthy members, it also treats them with more straightforwardness, inasmuch as it hinders them from placing themselves in a false position.

Distinctions of rank.

I must also mention the decided opinion which I entertain upon the expediency of abolishing all distinctions between Compounders and other Graduates; they are, in principle, such as a public place of education ought not to admit, and they frequently fall most severely and unjustly on those who are ill able to afford them; and all distinctions between Gentleman-Commoners and other students ought to be removed, for thereby the Commoners are not protected from extravagance, and the Gentleman-Commoners have, for the most part, double tuition, and other fees to pay, which is, in principle, unjust; they have also an injurious effect on the Noblemen and Gentleman-Commoners, the privileged classes, inasmuch as they afford temptations to idleness and extravagance. Oxford, above all others, is a place where wealth should be repudiated as a standard of comparison; and it may also be questioned whether it is not expedient to abolish the "privilege" granted to noblemen and others of taking degrees at a period earlier than other students; all distinctions, too, made at matriculation, with regard to parentage, should be removed; it would, however, be desirable that poor scholars, bible clerks, servitors, and such like, should be relieved, as far as possible, of University fees.

BARTHOLOMEW PRICE, M A.

Rev. John Wilkinson, M.A.

Answers from the Rev. John Wilkinson, M.A. of Merton College, and Rector of Broughton Gifford, Wilts.

1. The possibility of diminishing the ordinary expenses of a University education, and of restraining extravagant habits.

Expenses. 1. University expenses.

1. The *University* expenses, such as fees for matriculation, examinations, and degrees, with annual dues. These cannot be deemed excessive; but the annual dues ought not to be charged except for benefits received during actual residence, nor ought matriculation and degree fees to vary according to differences of birth and station, which are no criteria of pecuniary ability. The Government taxation on degrees, *i. e.*, on certificates of literary merit, can hardly be defended; 3*l.* for B.A., and 6*l.* for M.A., must amount to 2,000*l.* a-year. At the London University, not only does Government make no charge for stamps on degrees, but supports the establishment by a Parliamentary grant.

2. The *College* expenses, such as board, lodging, tuition, dues, servants, and deposit of caution-money.

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2. College expenses.

(*a.*) *Board.*—The average charge is about 38*l.* per head per academical year of 24 weeks, *i. e.*, 1*l.* 11*s.* 8*d.* per week. This seems high, if one consider that no attendance, coals, washing, wine, candles, tea, sugar, or milk, are included; that the fare is very properly plain; that the numbers to be provided for are many, and all collected in one establishment. At the present rate of the necessaries of life, 15*s.* a-week would be more than ample: it would leave a handsome profit.

(*b.*) *Lodging.*—The charge for this may be put between 10*l.* and 15*l.* for the academical year, *i. e.*, 8*s.* 4*d.* or 12*s.* 6*d.* a-week, for two unfurnished rooms, frequently a sitting-room and sleeping-closet, in buildings hitherto exempt from parochial rates.* That this will bear reduction would appear from the fact, that furnished lodgings, with attendance, in houses subject to all rates, as good as the average in College, may be had in the town for from 12*s.* to 20*s.* a-week. Besides, why is there *any* charge for rooms in those Colleges where no new buildings have been raised especially for the benefit of Undergraduate Commoners? The present charge is an adequate percentage upon the cost of new buildings.† In fact, the Colleges have turned out, in a manner never contemplated by founders, excellent money investments. The depreciation of Oxford property during the sixteenth century enabled the old Colleges to enlarge their borders on very advantageous terms, and contributed to the formation of six new Colleges, on the ruins of the Halls, and other building sites acquired for a trifle.‡

(*c.*) *Tuition.*—The charge of 16*l.* a-year is a great hardship upon the Undergraduate, not in the amount, which is reasonable, but in the restriction to the College, which will be spoken of afterwards.

(*d.*) *Servants.*—4*l.* 4*s.* a-year from each of their masters will, saying they attend upon 12, amount to 50*l.* 8*s.* Considering that they are not finished servants; that they only work for half the year, and then not too laboriously, nor at irregular hours; that perquisites from breakfast and tea tables, with gifts from indulgent or careless masters, must go far to support their wives and families, with whom they have the comfort of residing,—this charge is certainly high.

In regard to these College expenses, it must not be forgotten that there is a strict monopoly. The Colleges have the exclusive right to supply board, lodging, and tuition to Undergraduates. If competition (the reasonable security against inadvertence and self-interest) on the part of the old Halls has been suppressed through Collegiate influence, the Colleges ought now, as they did at the time of that suppression, to board, lodge, and instruct poor scholars, free of all charges.§ Again, I believe I am not wrong in supposing that some of these charges are made to Undergraduates for four years, though the matters charged are enjoyed for three only: so that, during one year, there are payments without value received. After the B.A. degree, also, standing on the books is often charged as actual residence, with certain College dues.

I venture to add scales of present and proposed charges per head for 24 weeks:—

	Present Scale.			Proposed Scale.		
	£.	*s.*	*d.*	£.	*s.*	*d.*
Board	38	0	0	18	0	0
Room rent . . .	12	10	0	6	5	0
Tuition. . . .	16	0	0	16	0	0
College dues . .	3	0	0	3	0	0
Servants . . .	4	4	0	3	3	0
Total . .	73	14	0	46	8	0

The *present* scale is rather below the average: in some few Colleges (perhaps three) the

* I believe this is so, and that the claim for exemption is likely to come before the Courts.

† Six per cent. upon the outlay is a fair return for new buildings: seven for old, as they require more repairs. A building fit to stand beside those in Oxford, including Principal's house, kitchen, hall, and all offices, with gas and water laid on, might be provided for from 175*l.* to 200*l.* per head. The highest sum would put the room-rent at 12*l.* only.

‡ When Townsmen's houses were hired for the habitation of scholars, "it was not any way lawful for the owners of the said houses to enhance their rents, or to be their own carvers in the price." The rent was fixed by the Taxatores appointed by the University, which also decided all controversies about payment. (Anthony à Wood. Annals, A.D. 1255.) The best prevention of enhancement of rents would be competition.

§ I am obliged to make this statement without having the opportunity of verifying it; but I believe it appears from "the exact account of the whole number of scholars and students in the University of Oxford, taken A.D. 1612," (Tanner's *MSS.* 338,) that about 450 poor scholars and servitors received education and support almost gratuitously. The list for Merton was this:—Warden, 1; Fellows, 22; Postmasters, 12; Chaplains, 2; Commoners, 15; *Poor Scholars*, 29; servants, 12. The list is in other respects much the same now; but of *Poor Scholars* there is not one, except the two Bible Clerks are to be so considered. Doubtless the poor scholars subsisted greatly on begging, *οὐκ ἔχοντός πω αἰσχύνην τούτου τοῦ ἔργου.* "If," said Sir Thomas More to his children, after his surrender of the Chancellorship, and when abilities of purse failed, "that exceed our ability" (meaning the fare of New Inn in London), "then will wee the next year descend to Oxford fare, where many great, learned, and ancient fathers be continually conversant, which if our power stretch not to maintain neither, then may wee yet, like poor scholars of Oxford, go a-begging with our baggs and wallets, and sing *Salve Regina* at rich men's doores." They even had a licence from the Chancellor to beg, and recommend them to the favour of the charitable. (Anthony à Wood. Annals, 1461.)

Poor Scholars lived by begging.

sum may be 55*l.*, but in others 65*l.*, 75*l.*, 80*l.*, 100*l.*, to which add, for the first year, caution-money 30*l.* or 25*l.*, the interest on which is enjoyed by the College as long as the name remains on the books, nor is it always altogether returned on removing the name. There are sometimes fees to College Libraries, and these I have not included. The *proposed* scale supposes breakfast, as well as dinner, in Hall,* Fellows sitting at each table with Undergraduates. All necessaries, such as coals, candles, &c., to be, as now, extras, but supplied within the College at London prices, as far as possible. The authorities might save themselves all trouble on this head, by making an arrangement with Mr. F. T. Cooper, or others like him, who, with a sure demand and cash payments, would undertake the supply at a very moderate percentage, on the modern principle of trade—quick returns and small profits. The caution-money might be the board and lodging of one term of eight weeks—8*l.* 1*s.* 8*d.* *Rev. John Wilkinson, M.A.*

Restraining extravagant habits.—Those *within* the College walls, such as hot meat breakfasts, wine parties, hot suppers, ought to be as much under control in all Colleges as now in a few. There is certainly the danger of Undergraduates supplying from without, what they may think deficient within; but this danger would vanish under the influence of a more unrestrained intercourse between them and their superiors. If the Tutors and resident Fellows retire into a distinct part of the same quadrangle, or into an entirely different quadrangle, of course they will live in a happy ignorance of much they ought to know and by their example restrain. The law prescribes to the College Tutor a very minute superintendence of the Undergraduates. The Caroline Statutes,† under that very head "of obliging Scholars to reside in Colleges and Halls," which established the existing profitable College monopoly, lay it down as the Tutor's duty, "in regard to such particulars as must every day fall under his own observation, as, for instance, dress, boots, wearing of the hair, &c. [anything betokening pride or luxury (Tit. xiv., chap. 1)], to keep his pupils within the bounds prescribed by the Statutes." Tutors also were to be fined for their Pupils' offences, and on the fourth offence interdicted from their offices by the Vice-Chancellor (Tit. iii., sec. 2). Extravagance within the walls of College.

As to extravagance *without* the College walls, one great means of prevention would seem to be the enforcing ready-money shop payments. I fear, if vain parents will entertain vulgar notions of the gentility of profuse expenditure, and if young men will be ignorant of the value of money, and combine with tradesmen, any University sumptuary laws will have a very partial effect. Though "the thunderbolt of discommoning" may have its terrors for the Oxford tradesman, the railroad has made it a mere *brutum fulmen* to the Londoner. This is very much the experience of the Cambridge authorities, who in the spring of 1847 issued rules, which it would be hardly possible to render more stringent, respecting tradesmen's bills.‡ The Cambridge tradesmen have indeed been restrained in giving unlimited credit, but they complain, and not without reason, that tradesmen in other towns have not been, and cannot be, so restrained: on the contrary, that these rules bring custom to the London houses, who send down agents for orders. The evil to be apprehended from this practice is greater than that which the rules in question were intended to prevent. It is necessary to reach the foreigner as well as the University tradesman; and for this purpose the Supreme Legislature is alone competent.§ Without the walls.

There is one out-College extravagance which ought to be put down with a high hand—hunting; not the "pinks" merely, as once at Christ Church, but the thing itself. Those who can afford so expensive an amusement have the Christmas vacation for it, and do not come to the University to tempt others beyond their means. Then there are the associations of hunting; connexion with stablemen, grooms, huntsmen; the intemperate habits of living attendant upon so exciting and exhausting a pursuit. No new laws are wanted; the Caroline Statutes are express: Graduates and Undergraduates are to "refrain from every kind of sport or exercise, whence danger, wrong, or inconvenience may arise to others, from hunting wild animals (fallow-deer, hares, and rabbits, for instance) with hounds....on pain of corporal punishment (where such is suitable to their age)....and fine of 6*s.* 8*d.* in each instance, &c." (Tit. xv., chap. 7.) Hunting.

The best restraint on extravagant habits, both within and without the College walls, would be the example, among the Undergraduates themselves, of that careful, working class, who know the value of time and of money, and who, not having too much of either, might be expected in greater numbers than at present to avail themselves of a University education, if brought more within their scanty but honourable means. Expenditure, and manners generally, must be greatly influenced by the general tone of society; and, in the case of Oxford, the misfortune is that now society takes its tone from the young and the opulent. Best remedy for extravagance.

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* Archbishop Laud, in his Ordinances, which he issued as Visitor of Merton, says, chap. 7, "Furthermore we do will and command, that all the Fellows and Scholars take their breakfast and dinner in the common hall of the College, and that those who take either of these meals elsewhere be deprived each time of one day's commons, &c." The founder had enjoined "a common table," doubtless for all meals.

† I quote Mr. Ward's translation throughout.

‡ Under pain of punishment by discommoning or otherwise, every tradesman with whom an Undergraduate should contract a debt of 5*l.* was required to send notice of the amount of the same, at the end of every quarter, to the College Tutor of the person indebted.

§ The example of Mr. Cooper, of the High Street, as a ready-money tradesman, is so satisfactory, that I give it what publicity I may. He neither takes credit nor gives it. Thus buying in the cheapest market, with no bad debts, and with quick returns, he is able to undersell the long-credit tradesman, and to benefit his customers, to the extent of 25 per cent. He publishes a list of prices once a month; has now upwards of 600 Undergraduate customers, and never in a single instance relaxes his rule of cash payments. He gratefully acknowledges his obligations to the present Vice-Chancellor, the Heads of Houses generally, and the Tutors. The College servants did him much harm at first, and he finds them his worst enemies.

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DISCIPLINE.

2. The sufficiency of the powers which the authorities possess to enforce discipline.

I have already quoted the injunctions laid down by the Caroline Code upon Tutors, to enforce discipline within the College. For the general discipline of the University, the Caroline Code gives the authorities the power over Undergraduates, of fining, of corporal punishment (where the offender's years permit), of restriction, of expulsion, and even imprisonment; literary impositions are also given. These powers seem abundantly sufficient; the difficulty is, to punish the right person, the offending pupil, and not his friends; however, these last are not always guiltless.

I venture to doubt the expediency of any further *coercion*, which would probably defeat its own object. Perhaps there is too much already; less would be necessary, if the authorities were more watchful in prevention (this is the most important, and the most delicate and difficult part of discipline), and less "donnish." "Donnism" is a blight upon all classes in Oxford, from the highest to the lowest. Between the Heads and Fellows of the same society there is a distance, between the Fellows and the Undergraduates an impassable gulf. And yet the junior Fellows (the usual residents) and the Undergraduates are not so much removed from each other in years, as to impede an unembarrassed and friendly intercourse, which would bring about the most sufficient of all disciplinarian powers—a more enlightened public opinion among the young men themselves: this would repress improprieties which no external regulations can ever reach. With more of this generous interchange of sentiment between the Fellows and Undergraduates, and with less of formal etiquette and technical precedent in College discipline, there would be more rule and less coercion, because higher influences, and more extended sympathies, would supersede the necessity of restraint.*

3. The power of the University to make, repeal, and alter Statutes.

THE LAUDIAN CODE UNALTERABLE

This power can be none other, whatever it be, than is contained in the Caroline Code, which is binding upon the University, as a charter, granted by the Crown, at the request of the University. In that Code there is no unrestricted power of "making, repealing, or altering statutes," but a certain power given to Convocation under restrictions from the Royal authority and from the Hebdomadal Board.

> Tit. x., sec. 2, chap. 1. "*Enumeration of matters which concern the House of Convocation.*—Debates shall be holden, and resolutions come to, on matters of importance, and such as concern the whole body of the University, *e. g.*, with reference to the enactment of laws and statutes, or their abrogation, interpretation, and modification.
>
> Chap. 2. "*Framing and construction of Statutes and Decrees in Convocation.*—If it shall seem beneficial to make any new statutes, or if a doubt shall arise as to the decrees and statutes already made, whereby a further explanation of them shall seem requisite (provided this power of explanation is not extended to statutes sanctioned or confirmed by the King's authority, without the special licence of the King himself), &c."

The restriction of the Royal authority, therefore, extends to all the enactments of the Caroline Code; by which also, a large power of initiation is given to the Crown, and that by way either of "command or suggestion." Chap. 5. "No dispensation allowed concerning any statute or decree framed or to be framed (at the command or suggestion of the Royal authority), unless a change or relaxation, to some extent, has been expressly enjoined or permitted by the like Royal authority." Before the Caroline Code, the Crown seems to have been appealed to on all occasions, as the only available authority. The Caroline Code itself owes its validity to the confirmation of the Crown; and is, moreover, chiefly a selection and compilation of the then existing regulations, many of which were introduced by Royal letters; as the imposition of the 39 articles, and the three articles of the 36th canon, on all candidates for degrees, by James I., 1617;† the transfer, from Convocation to the Colleges, of the election of Proctors, 1629; and above all, "the weekly meeting of the Heads comformably to the ordinance of the most serene King Charles I., which has lately been graciously transmitted to the University in that behalf."—Car. Stat. Tit. xiii.

As to the restriction of the Hebdomadal Board,‡ the statute says:—"before the law intended to be passed, or the statute to be explained, is submitted to the votes of the Masters

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* There used to prevail, a few years since, a most objectionable means of enforcing College discipline—confinement to Chapel for a certain time. It is an ancient punishment. "One Sir Aldworth of Magd.... coming tarde to Mass....was commanded that for every day for a considerable time, '*intersit Missæ matutinali, et genibus flexis,*'" &c. A. à Wood. Annals, 1553.

Subscription to Articles.

† The first instance of subscription, upon oath, "to all such articles and poyntes of religion as now are generally held in the Church of England, under the authoritie of the Queen's Majesty that now is," is that of one Thomas Powle, of St. John's, 1573. The Earl of Leicester, 1581, ordered subscription to the Articles before matriculation: subscription before taking any degree was required by statute, doubtless at his instigation, 1576. Chancellor Hatton demanded careful observance of these subscriptions, and dictated a form, 1589: he returned to the subject the following year. In 1616 King James wrote to signify his pleasure, and in the following year decrees and a form of subscription were passed in Convocation. Anthony à Wood. Annals, var. years.

Earl of Leicester's Hebdomadal Board.

‡ The Earl of Leicester introduced this, as he did so many other changes, till "he altered almost the whole government of the University, in some things for the better, but in most for the worse." His order (which was opposed) was, "that before the Convocation, the Vice-Chancellors, *Doctors*, Heads, and Proctors, should consult of such things as are fitted to be moved therein." Anthony à Wood thus describes the change:—"Whereas things were deliberated in a black congregation (so called, I presume, because the black part of the Masters' hoods was to appear on their shoulders, and nothing else) before they were to be passed in a great congregation, now it was that upon the abolishing of the said congregations, all matters were to be

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Initiation of the Hebdomadal Board.

Regent, and non-Regent, the business shall be referred by the Vice-Chancellor to the weekly meeting of the Heads of Colleges and Halls. And when upon deliberate consideration of the subject, they are agreed on the form of words, under which they think the law should be proposed, or the statute explained the business shall be referred, in the same terms, by the Proctors, to the Regent Masters in the House of Congregation. In the next Convocation it shall be read aloud, in the same terms in which it was proposed in Congregation; and finally when the Vice-Chancellor, Proctors, and the majority of the Regents and non-Regents, have agreed to the terms under which it seems fit for the law to be enacted, or the statute explained, it shall be read aloud on the same occasion, in the identical terms, and the votes of the Regents and non-Regents shall be taken concerning them."—Tit. x., sec. 2, chap. 2.

This amounts to a deposition of Convocation. The Board take the initiative or not, as they see fit, in all legislative measures (Convocation has no power, even of suggestion), both as regards the matter and the wording of every proposition to be afterwards submitted to Convocation, the power of which body begins and ends in simply accepting or rejecting (not even verbal amendments being admissible), without adequate discussion (debates in a dead language* are impracticable), and without any possibility of alteration, what is laid before them by the Hebdomadal Board. The Masters, too, thus tied hand and foot, are placed in an unfair position; they must either accept what they, with greater practical experience than the Heads, know will not work well; or else seem, by rejection, to be opposing what is offered as, and perhaps by amendments might be made, useful reforms.

Dispensations forbidden, yet in use.

The insufficiency of the legislative power of the University would appear from those forced interpretations of the Caroline Code, in the existing practice, which seem to rest upon usage, and the necessity of the case, rather than upon any adequate legal authority. I allude particularly to the wholesale dispensations for defaults in the exercises and terms requisite for the higher degrees, and in some respect for the lowest. The legality of the dispensations, granted by the House of Congregation, for entire absence from the public lectures, to all candidates for degrees, can hardly be covered by the permission given that house to admit, in occasional cases of just impediment, to certain persons, an irregular (*minus diligens*) attendance upon the Public Readers. The same observation may be made of the dispensations for two and three terms' absence, granted to candidates for the degrees of B.A. and M.A., respectively. The usual dispensation for six terms, before the higher degrees, by means of the Chancellor's letters, approved by Convocation, in addition to the preceding dispensation for three, was never contemplated by the framers of the Caroline Code. Except on the ground of disagreement between different statutes, it is hard to justify this dispensation in law, however expedient it may be.†

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consulted in a meeting of the Vice-Chancellor, Doctors, Heads of Houses, and Proctors, before they could pass in Convocations." Annals, 1569. There is continual mention of delegates appointed to frame decrees: sometimes they appear (which was the ancient custom—Anthony à Wood, Annals, 1616) to have been named by Convocation, sometimes by the Heads, as the balance of power fluctuated. After a time, the *Doctors* lost their seats at the Board. Chancellor Hatton "was fully persuaded that the *Vice-Chancellor* and *Heads of Houses* would have pretermitted the execution of no statute," &c., 1590. At last the Hebd. meeting was established by King Charles's letter, 1631, and its legislative and executive powers confirmed by the Caroline Code.

Delegates.

* Why should the use of Latin be retained in Convocation, and not within the Colleges? There, too, it is generally strictly enjoined. Archdeacon Paley's argument (Moral Phil., III. chap. xxi.) is equally conclusive against its present use in either place.

Use of Latin

† The following are the portions of the Caroline Code bearing on this question of dispensations, Tit. ix. sec. iv. chap. i.:—"Since just impediments occasionally interfere to prevent the whole of the particulars, which are requisite for degrees and other exercises in the University, from being duly performed in the manner and form required by the Statutes, the Congregation of Regents has been used, in such cases, graciously to grant dispensations upon occasion, to certain persons in dispensable matters." Then follow (chap. 2) "the dispensable matters," of which the first is, "Two terms' absence, if the party is a candidate for the degree of B.A.; three, if for the degree of M.A." Another dispensable matter is, "Loose (*minus diligens*) attendance on the Public Readers." These are the limits of the dispensing power of the *Congregation of Regents*. In Tit. x., sec. 2, chap. iv., we are told the dispensing power of the *Convocation of Regents and non-Regents*. "Because it is sometimes expedient that the rigour of statutes should be attempered, at one while to the private convenience of men, at another to their necessities, the Venerable House of Convocation (with which resides the power of making statutes and decrees) has been accustomed to dispense with some of them for reasonable causes." Among the dispensable matters which follow is this: "Generally, if there be any other cases in which the University is not forbidden by the statutes to grant dispensations, and which are not at variance with academical discipline, it shall in such cases be allowable, on some necessary and very urgent ground (which has in the first instance been submitted by Mr. Chancellor to the discretion of the Vice-Chancellor, Proctors, and Heads, and has been approved by them, or a majority of them, at their weekly meeting), to propose dispensations in the House of Convocation, and to deem them granted, if the Vice-Chancellor, the Proctors, and the majority of the Regents and non-Regents give their assent." Then come a list of "*Indispensable matters, wherein Convocation is not allowed to grant dispensation*," chap. v., beginning thus: "Because from too great a license in granting dispensations, serious inconvenience has heretofore been caused to the University, the University has enacted and decreed, that henceforward dispensations are not to be proposed in the cases following." The third case is this: "Dispensations shall not be proposed for defaults in the time or exercises requisite for the degree of Bachelor, Master, or Doctor in any faculty." It would seem, from these extracts, that a certain limited power of dispensing in exceptional cases is left to that House of Regents, through whom the University, under its more ancient constitution, conducted the work of instruction, and to whom, therefore, it entrusted the privilege of dispensing with a portion of that instruction; but that no such privilege was to be allowed to the House of Regents and non-Regents, where interested candidates for degrees might, by active canvassing, bring together from all parts of the country a miscellaneous crowd of out-voters, taking no share in the work of instruction (*non*-Regents), and so swamp the experience and judgment of those resident Regents upon whom was laid the obligation of teaching the candidates. To guard against such "serious inconvenience," it was forbidden, I imagine, to the mixed assembly of Convocation to entertain "dispensations for defaults in the time or exercises requisite for degrees." If there were nothing further in the Statutes, the dispensation for six terms would seem illegal. At the end, however, of "the indispensable

Statutable limitation of the power of dispensation.

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4. The mode of appointing the Vice-Chancellor and Proctors.

Appointment of the Vice-Chancellor

The existing mode is, for the Chancellor to nominate, as his Vice-Chancellor, a Head of a College (Worcester and the Halls being excluded), by means of letters read by the Senior Proctor in Convocation; the assent of which body is asked indeed, but does not appear essential to the validity of the appointment. But if the Vice-Chancellor is to wield the power of the Chancellor, in his absence (Car. Stat., Tit. xvii., sec. 2, chap. 2), and that extends "to the custody of the whole University;" and if he is to have a veto on all matters in Convocation, that body ought to exercise some substantive power in the appointment.*

and of the Proctors.

The Proctors are elected according to a cycle of Colleges, from which Worcester, as having been founded since the making of the cycle, is excluded; nor can a member of a Hall be a Proctor. But the Proctors are *University* officers. besides the administration of discipline among the junior members of the University, they assign delegates† in all University affairs, designate auditors of University accounts, have a veto on all propositions submitted to Convocation, scrutinise the votes there, appoint University examiners, and in a word "procure" all University business. They ought to be appointed by Convocation for University and not for College reasons. If they are to retain their present high position, both in Convocation and in the Hebdomadal Board, they must again, as once, represent the whole body of the Masters, and not, as now, two out of 18 close corporations.‡

5. The government of the University and its relation to the Colleges, as finally established by the Statutes of Archbishop Laud.

The Constitution.

The ascendancy of the Hebdomadal Board in University legislation has been already mentioned; to the same body it is also committed to "deliberate on the defence of the privileges and franchises of the University; and to communicate, inquire, and take counsel for the observance of the statutes and customs of the University....the good government, academical proficiency, repute, or common weal and behoof of the University."—Tit. xiii.

To the Vice-Chancellor, a College Head, is committed the power of the Chancellor, in his absence (except that matters of weight are to be referred to the Chancellor), and this extends to "the custody of the whole University," the common guardianship, with the city Mayor, of the whole borough, the hearing, ending, and determining all controversies regarding cases civil, spiritual, and criminal, which are determined within the University, the punishment of offenders according to the statutes, or at discretion, if no provision be made by the statutes, and the requiring any member of the University (even the Head of a House) to subscribe the articles of 1562, and the three articles of the 36th canon, 1603, and to expel from the University him who thrice refuses.—Tit. xvii., sec. 1, chap. ii.; sec. 3, chap. ii.

Hebdomadal Board.

The Hebdomadal Board is, therefore, by the Caroline statutes, a standing Committee (and the combination is destructive of the principles of a free constitution) for the legislative and executive government of the University. Its composition is strictly collegiate—19 Heads of Colleges, 5 Heads of Halls, and 2 Proctors (College Fellows). As to the Colleges, the Heads, of course, without any such injurious imputations as have been made, are elected for reasons satisfactory to the electors; and these reasons are necessarily Collegiate. The Halls, as now

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matters, wherein Convocation is not allowed to grant dispensation," chap. v., are these words, "Lastly, it is enacted, that in no one of the cases above mentioned....shall any person, on pain of banishment, propose a dispensation, if the Chancellor has not left the matter to the discretion of the Heads, that they may allow such dispensation to be proposed in the House of Convocation, upon full advice....first had, and for some very urgent and necessary reason, to be approved by the Vice-Chancellor and Heads," &c. Does this mean that if the Chancellor *has* left the matter to the discretion of the Heads, the dispensations may be allowed? That is the interpretation of the present time; but, in that case, a loop-hole is provided whereby all indispensable matters may be made dispensable, and the statute is a nullity. This cannot have been the intention of the framers of the code, though this may be the result of disagreement between their statutes, occasioned, possibly, by alterations in their work. However, the existing practice is not thereby justified; for where is the "very urgent and necessary reason"? The power of Convocation is great, and it may "further explain" statutes, "*provided only that no sense is attached to any statute which, under the guise of explanation, eludes or emasculates its whole force.*" Tit. x., sec. 2, chap. ii.

* "He (the Earl of Leicester) took upon him the right of naming the Commissary or Vice-Chancellor, sometimes without the consent of Convocation, rarely or never done in former times." Anthony à Wood. Annals, 1569.

Delegates once appointed by Convocation.

† "Delegates are chosen by the House of Convocation, who have power to deliberate or enact....the right to nominate the individuals having usually rested with the Proctors." (Car. Stat. Tit. x., sec. 2, chap. 7.) This right was perfectly reasonable, as long as Convocation elected the Proctors. "*Eadem magistratuum vocabula.*" As Augustus an absolute monarchy, so Laud disguised an oligarchy under the forms of a republic. The Caroline Convocation answers to the Imperial Senate.

Changes in the mode of appointing Proctors.

‡ The change in the mode of appointing the Proctors may be traced in Anthony à Wood's Fasti. 1538: "The Proctors were elected then (as 'tis said) by the public suffrages of those whom it concerned to give, as if an equal power of suffraging in such elections did now pertain to all Masters." 1540: The last Proctors distinguished in the Registers by the titles of Northern and Southern. 1541: "The Proctors elected from the company of non-Regents, by virtue of the King's letters sent from Greenwich." 1542: "Proctors elected by the suffrages of the Doctors and Heads of Colleges and Halls;" continued in office two years. 1576: Proctors continued (Henry Savile one) at the special request of the Chancellor, without any vote in Convocation. 1578, 9, 80: Proctors elected in Congregation. 1583: In Convocation. 1624: There were 4 candidates, and 984 votes. 1626: "A yet greater canvass, there being then 1078 votes given," many brought up from the country, some even from Wales. 1628: The King interfered: with the Chancellor he named two, and "it was reputed unlawful for the Masters to nominate any to the Procuratorial office. The ancient custom of choosing Proctors by suffrages in a scrutiny vanished, and another new form of election introduced." 1629: "The elections of Proctors had hitherto been made by public canvassing: it pleased the King's Majesty to make them private and domestic. And that the said office might be equally distributed through every College, according to an arithmetical proportion" [Colleges used to combine to carry the election of each other's members, nor is the practice yet extinct in the disposal of the patronage of Convocation: sometimes "a strong plot was broken by the flying off" of some College, as in 1627], "a cycle of 23 years was by the command of the King made, and by his authority remitted into the statutes."

administered, have the same interest as the Colleges, in the government of the University; and the only difference is, that the Headships are the irresponsible patronage of a single elector. *Rev. John Wilkinson, M.A.*

Its evils.

Such "the government of the University, and its relation to the Colleges, as," I hope, *not* "finally established, &c."

If changes be necessary, I assume that they ought to be, as much as possible, in accordance with the legal constitution, and with the actual working of the academical system: and again, that two guarantees are necessary to the adequate discharge of such a trust as that committed to the Hebdomadal Board; viz., that the public duties and private interests of the trustees should for the most part correspond, and that their responsibility should be no less than their power.

In view of the first of these principles, I would not transfer the power of the Hebdomadal Board into the hands of the Convocation, which, for the purposes of government, is too large and too scattered a body (2,560 members all over the country), and too much subject to popular impulses. There would be the danger also of calling off the attention of the resident members (to whom the business would necessarily fall, except on occasions of particular interest), from their proper tutorial duties, to marshal them into parties under professed agitators, who neither rest themselves, nor suffer others to rest. This would be to bring back the strife of the academic "nations." But if a weekly Board is to administer University affairs (and perhaps the aristocratic is the fittest form of government, where conservative tendencies ought to prevail), that body must represent the different interests of the various subjects of study, existing and proposed in the University, and to be in some measure assimilated to the old house of Congregation, with whom, before Laud legalized Leicester's innovations, rested the right of previous discussion and approval.* There seems to be a general agreement that this end would be best attained by the admission of the Professors, present and to come, to the Board, to which I would add, the absolute election of the Proctors, without reference to any cycle, by Convocation. A more direct responsibility might be secured by annual reports on the general state of the University to the Crown, and by the exercise, at stated intervals, and on all other needful occasions, of the Royal power of visitation.†

Proposed Board of Heads and Professors.

For the interference of the Royal authority, there is a claim as strong as the need. The Crown is accountable for the present posture of affairs; but it was the Crown which deprived the University of self-action by subordinating Convocation (which before used to institute inquiries by the appointment of delegates)‡ to the Hebdomadal Board. In duty to itself, to the University, and to its subjects, the Crown, which with Parliament has alone the power, ought to take care that the government of a national institution should be so conducted, as best to promote the national good; and with this view, I will venture to add, ought to reorganize the Hebdomadal Board. It is unreasonable to trust to the internal principle of spontaneous development, *i. e.*, to expect a large measure of reform from the Heads of Houses; for this would be nothing less than a confession, on their part, of maladministration. It is just as unreasonable, though they do not see it, that Colleges should appropriate to themselves the name, the privileges, and the functions of the University; and retain the independence of private foundations. It was not to them, nor to their degrees, that the State granted great, and till recently exclusive privileges in the Church, in Law, and in Medicine. The University existed before the Colleges, and would continue to exist, were they no more. They did indeed save the University during the disastrous period of the 16th century, when learning, no longer able to support herself, needed their eleemosynary help, and when enlightened benefactors fostered the rising Classical literature; but their protection has become oppression, if a national institution be made a private possession. To found, to form, to reform, to govern her own chartered creation by public authority, for the public purposes of religion and sound learning, is clearly the State's duty and right; nor can individuals, for whom charitable benefactors have provided board and lodging, be allowed to interfere with what the supreme government considers, in its wisdom, most conducive to those high and holy purposes. Founders would be horrified at such pretensions.

Need of the interference of the Crown.

6. The means of extending the benefits of the University to a larger number of Students.

(1.) By the establishment of new Halls, whether as independent societies, or in connexion with Colleges.

University extension.

The objections to Halls, as compared with Colleges, are these:—The expense one-seventh greater (to say nothing of new buildings to be provided); the discipline less strict; and the tuition inferior—there being no body of foundation Fellows from which to select Tutors. This applies to such Halls as the present. If the suggestion refer to such Halls as existed before Leicester's Chancellorship, when any M.A. could open a hall for the reception of students, there are other objections. Every discontented partizan, every mistaken enthusiast, would set up a hall, and in proportion to his abilities and acquirements would be his personal influence, and the damage to the peace of the University. What consequences would have ensued, if that remarkable man, who left the impress of his mind upon all about him, had thus attained that academical position which was alone wanting to the extension of his opinions? Halls

New Halls.

* And so it does now in form (the statute quoted above); but here again the forms of the ancient constitution are preserved to introduce modern changes.

† "We the said delegates, together with the Vice-Chancellor and Proctors, do in the name of the University....humbly conceive we cannot acknowledge any Visitor but the King, or such that are immediately sent by His Majestie; it being one of his Majestie's undoubted rights....and one of the chief privileges of the University....that His Majestie, and without him none other, is to visit the University."—Answer to the Parliamentary Visitors. Anthony à Wood. Annals, 1647.

‡ P. 86, n.†.

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would be started against Halls, representing distinctive religious views, and opposed in all else than their jealous exclusiveness. The confusion would be enormous; the bitterness of party grievous. The Halls were in their day the centres of academic strife, and that was one reason why they were absorbed in the better order of the Colleges. Circumstances have grown round, and on the whole adapted themselves to the present College system; and this fact alone is a fair argument, if not in its favour, at least against a return to a superseded state of things. To be sure the Caroline statutes have wonderfully helped the Colleges in maintaining their supremacy; but, other things remaining unchanged, I am by no means certain that these Halls would not again, as once before, be beaten in the race of competition by the Colleges, which have now, moreover, possession on their side. I imagine Oxford pretty well accommodates all who desire the present system: there are vacant rooms in many Colleges, and even the fullest Colleges seem to hesitate erecting new buildings.

(2.) By permitting Undergraduates to lodge in private houses more generally than at present.

Lodging in private houses.

Certainly: provided the private houses were those of the parents, guardians, or near relations and friends of the students; each case being examined and sanctioned by the Vice-Chancellor and Proctors on its separate merits.

The only other desirable private lodging-houses would be those kept by a married M.A., under licence from the Vice-Chancellor and Proctors, and subject to their continual supervision. This would not be cheaper than residence in College, but the discipline would be more effective because more kindly; there would also be the resource of amiable society in vacant hours (a great safeguard against dissipation), and all the moral influences of a home. I take it this arrangement would be most acceptable to many parents. A great deal would depend upon the lady who presided: to her unobtrusive influence in softening manners and in forming morals, I attach the highest importance.

Any regulation which tends to increase the residence of private families in Oxford, or to give the students access to liberal society,* is on that account deserving of every consideration.

(3.) By allowing Students to become members of the University and to be educated in Oxford under due superintendence, but without subjecting them to the expenses incident to connexion with a College or Hall.

Students unconnected with College or Hall.

The Colleges have now a monopoly of board, lodging, and tuition. I would break through it all. By authorising residence in private houses (2), "the expenses incident to connexion with a College or Hall" would be provided for, as regards board and lodging. I will here (3) discuss the educational part of the question.

The existing recognised practical system of tuition† is a strict monopoly of the College Fellows: as the College Tutors have displaced the University Professors, so the Fellows have displaced all other graduates. Greek and Latin scholarship, ancient history, poetry and oratory, moral and political philosophy, rhetoric and poetics, logic, pure and mixed mathematics, divinity, are all professedly supplied by the Fellows of each particular House. When the new examination statute comes into operation, ecclesiastical history, law and modern history, mechanical philosophy, chemistry and physiology, will be added to the list of impossible requirements. The Fellows may be elected without any view to the discharge of such duties: the qualifications of a Fellow and of an instructor are not necessarily identical; nor did founders contemplate providing the means of instruction for any except members of the foundation, never wholly even for them, and often not at all.‡ They supposed the work of instruction would be always, as in their time, carried on in the public schools, and accordingly they only provided moral superintendence, board, and lodging, never anticipating the failure of the University to provide instruction. The statutable qualifications for fellowships are mostly—birth in certain localities (counties in which the founder had, or his heirs might

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* I may state, on the authorities of my friends, Sir Thomas Phillips and the Archdeacon of Monmouth, that the secluded position of Lampeter College amidst the hills of Cardiganshire, and the consequent want of all educated society, is one impediment to the success of that institution.

Statutable system of Tuition.

† It may be worth while to state the legal, but not existing, system of tuition. The Caroline statute on the Public Lecturers (Tit. iv.) begins by recognising the obligation of all Regent Masters to teach in the public schools the several faculties belonging to their degrees. The enforcement of this obligation is, however, rendered unnecessary, partly by the munificence of benefactors endowing Professorships, partly by the provision of the statute for the election of Lecturers in such faculties and sciences (Grammar, Rhetoric, Logic, and Metaphysics) as were not endowed. The election of these Lecturers rests with four Colleges, viz. those two which supply the Proctors for the then year, and those two from which the Proctors of the next year will be taken. The Lecturers were to be paid (over and above the payment usually made by the Proctors, and that part of the fines imposable on absentees) by fines laid upon the Masters relieved from the burden of teaching, and by fees from the pupils. They were each to lecture twice a-week, and the attendance of pupils was regulated by their standing. The 13 endowed Professors have also laid down for them the times of their lectures,—twice a-week each, with two exceptions of music and anatomy; and are provided with hearers according to standing and degree. This system has become obsolete, partly from the insufficiency of the salaries assigned to some of the Readers, partly from the impossibility of requiring residence after the B.A. degree. The unendowed public lecturers were for Undergraduates, and these would secure an audience (witness the attendance upon the present Prælector of Logic); but the fixed money salaries of 200 years since are now utterly inadequate.

Cardinal Wolsey's public lectures.

Bishop Fox's at Corpus Christi College.

‡ Cardinal Wolsey intended that the lectures of his foundation should be open to all members of the University. Anthony à Wood, vol. v., p. 834. He probably borrowed this, as other things, from Bishop Fox, who desired, in his Statutes for Corpus Christi College, that the Humanity Reader should, on all common days and half-holidays throughout the year, during an entire hour, or a little more, publicly lecture in the hall of the College, or elsewhere at some public place in the University, if it seem good to the President and a majority of the seven Senior Fellows. There is a similar regulation for the Greek Lecturer.

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have, property,* the founder's diocese, and even parish and manor), inheriting the founder's name or blood,† education in particular schools: there is a very general practice, sometimes but not always required by the statutes,‡ of electing a lad from school who succeeds from a scholarship to a fellowship as a matter of course. In only two Colleges is the election open to all comers, and in one of these only partially. Then there is the limitation of celibacy. As a general rule, a man secures a home and marries, as soon as he can get the means: an able man does this sooner than another, and is forthwith lost to Oxford. Thus the best, because the most experienced, tutors are being continually drafted off into the world, and the duties left to young men. This evil will increase, as the demand for highly educated men increases at home and abroad, in the service of the Government, and in professions. No tutor seems to regard his office as a profession, or its duties as an employment for life. Nor can a man be expected to live without a home: to this his tutorship not leading, he throws it up at the first prospect of something else, making perhaps a present sacrifice. Again, whatever a man's learning, experience, aptitude in teaching, or influence over his pupils, it is all the same: the number of his lectures and of his pupils, and the amount of his salary, are all fixed. As he begins so he ends, without hope or fear: no services improve, no incapacity lessens his position or his pocket. It is unfair to expose human nature to this severance of duty and interest.

College Tuition.

This then seems the objection to College tuition: the number from which to select tutors is small and fluctuating, restricted by founders, by celibacy, and by want of encouragement to exertion. This is the case as regards the *tutors*; nor is the system more favourable for *pupils*, who are necessarily packed in small and ill-assorted classes, most irksome to the good scholar, and without emulation to the bad. Yet all alike have to pay £16 a year for College tuition. The insufficiency of College tuition is clear, when private tuition is so largely called in to supply its place at an expense of £50 or £60 a year additional to each undergraduate. The sum thus spent must be very considerable,§ and is the exact measure of the opinion entertained respecting College tuition by those most interested in the matter.

Private tuition, whatever its defects, points the way to the true remedy—"education under due superintendence *without connexion with a College or Hall.*"

Proposed staff of University Instructors.

The whole work of education for University degrees or honours should be conducted by University officers, as it used to be. The work must be one and undivided in its origin: any attempt to divide it between the College Tutor and the University Professor will introduce a clashing of interests and a rivalry of functions, and will end in failure. The University instructors may be of two classes—Lecturers and Professors: of the latter I will speak under viii., of the former now. The proposal concerning the University Lecturers is this: that the Vice-Chancellor should be required to license, on the nomination of examiners appointed by Convocation to test the qualifications of the candidates, certain Masters, whose duties should be to teach the Undergraduates for the first two years of their residence, and prepare them for the middle or second examination of the new statute: that the number of the Lecturers should, to commence, be two-thirds of the present College Tutors‖ (say fifty), and should be annually increased as vacancies occurred and as occasion (in the judgment of Convocation) demanded: that certain men should be licensed for certain subjects, and that as a general rule no one man should undertake more than one class of subjects. As to the number of lectures to be delivered by each, as to fees from students, sizes of classes, arrangements of pupils in them—these things would soon regulate themselves: I would leave them, as far as possible, to the teacher's own judgment, the opinion of his pupils, and the influence of circumstances, which would operate very differently in the free and wide area of the University and in the College quadrangle. The selection of particular Lecturers for particular pupils, I would leave to those that pay the fees—the parents or friends of the pupils. Besides fees, the Lecturers, if not College Fellows, should have a certain small fixed stipend (say £200 a year each, to be provided for as hereafter stated), sufficient to retain them at Oxford and to secure them against the caprice of pupils, but not sufficient to induce the inactivity of a monopoly, or that independence of fees which would soon cause the nomination to degenerate into a matter of favour or interest. Undoubtedly, without any limitation of the amount of fees, the best Lecturers will make the highest charges, and so the wealthy will have an advantage over the poor scholar. But it is hard to obviate this evil without introducing others. Money will always purchase advantages, and if shut out from public tuition will seek, as now, private. The only way to put down private tuition is to supersede it by the efficiency of the public: and after competition has discovered the most efficient public teacher, the only way to keep him is to pay him well.

The advantages of some such proposal over the present arrangement would be, it is supposed, as regards the *teacher*:—that division of labour which enables a man to concentrate his attention upon some one branch of knowledge, and so attain excellence in it; selection from unquestionable merit and general reputation in the University, rather than from the

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* I believe this is the restriction in the case of the Exeter College Petrean Fellowships, and that it has been excellently obviated by the purchase of lands in different counties. This is far better than buying advowsons, which is a most questionable mode of investing College funds.

† This operates very ill now, and yet how natural and proper originally. "Forasmuch," says Walter de Merton, in his Statutes, "as I have, under God's eye, converted the inheritance of my lands in fee, which by the custom of the realm was due to my heirs or kinsmen, for the purpose of this charity, I will and enact that if any young children of my kin need support in consequence of death or poverty of their parents," &c.

‡ I do not believe it is required in the Magdalen College Statutes.

§ The Dean of Ely and Mr. Hildyard, of Christ's College, Cambridge, estimate the annual payment to Cambridge private tutors at 80,000*l*. This is hardly credible.

‖ I put the number at two-thirds, because the lecturers would be required for two out of the three years during which the present College tutors teach.

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accidents of College limitations; provision in the University itself, unclogged with the heavy restriction of celibacy, for men of high academic honours. Justice to the able men, who now, amidst many difficulties, discharge most conscientiously the duties of College tuition, requires that Oxford should not be wanting to herself in holding out to her best sons adequate encouragement to continue in her service.* As regards *pupils*: the advantages of a spirited emulation and a steady competition in large classes, formed of tolerably equal materials throughout the University; of that friendly intellectual, moral, and personal connexion between the Lecturer and his class, with which, in the case of the College Tutor, the necessary, though often harassing, enforcement of College discipline very much interferes by promoting "donnism" on the one side, and dislike on the other. As regards the *University*: the progress of learning and the promotion of sound education, consequent upon the selection and permanence of able men; who would regard Oxford as their home, and the pursuit of knowledge and tuition as a sufficient profession, worthy of the best exertions of a life; and who would not take Holy Orders to gain a footing in society, nor look to a Country Parsonage as a refuge. These Lecturers would form a nursery of experienced teachers for the higher duties of the Professorial chairs, which would naturally be filled by those who had earned for themselves a good degree in the lower office. This connexion between the two would conduce to harmony of operations and unity of interests between the Lecturers and Professors.

Advantages to Pupils and Instructors.

The "due superintendence" must be exercised by the College authorities (should the pupil reside in a College), or by the parents, or head of licensed boarding-house, as regards the pupil's attendance on the lecturers; proficiency might be tested by terminal examinations of all the classes in each subject (as now in the best Colleges), conducted by all the lecturers of that subject.

Objections to Students lodging in private houses, answered.

I know the kind of objection that will be made to such proposals as these (2 and 3), for "extending the benefits of the University to a larger number of students." It will be said, that the admission of such students within the University itself will "destroy the order of the place, deteriorate the spirit of the present system, and the general character of the students." This is a vulgar calumny. The students who may be expected to avail themselves of these facilities, will belong to the middle classes of society, of limited pecuniary means perhaps, dependent upon their own exertions, and coming up to Oxford to qualify themselves for their future position in life: such students will be quiet, frugal, temperate, striving, making the most of their time and of their opportunities. Now this is just the class of young men of whom we have not enough, and of whom we would gladly have so many more as would give the prevailing tone to the place. Such are to be desired, not only or so much for their own sakes, as for the sake of the present students, among whom they would promote order, system, and general character. Evil is not to be apprehended from the real and healthy tone of feeling among the industrious and thoughtful poor, who ought to be the special care of the University; but from those of whom we have too many, and of whom we would gladly be well rid, the vulgar, the newly rich, the indolent, and the ignorant.

(4.) By admitting persons to Professorial Lectures, and authorizing the Professors to grant certificates of attendance, without requiring any further connexion with the University.

Attendance of strangers on Professorial lectures.

I would, as much as possible, encourage "connexion with the University," and make it not a requirement, but a privilege. I would therefore meet the suggestion (4) thus:—

a. Convocation might authorise such institutions as King's College, London, and Queen's College, Birmingham, to undertake that portion of Oxford education proposed to be given by the Lecturers; in this case the first examination of these out-students would be the middle examination, and on passing that they would be at once enrolled in the Professors' classes, and take a degree (subject to some limitations in its privileges) in due course after two years' residence, instead of four; if unable to remain two years, they might depart with a certificate of attendance. The line of distinction, however, should be strongly drawn between a degree which should be a genuine stamp of University satisfaction, and mere attendance which has not been tested by examination, and for which the University does not make itself responsible.

b. The University might grant *special* degrees, without necessarily proceeding through arts. Thus there might be a degree conferred in each of the Professorial subjects,—Classics, Mathematics, Natural Science, Theology, &c. There is now in Oxford one special degree in Music; and *Generalis Sophista* is a special degree in Logic; and one time, before they were absorbed in Arts, degrees were granted in Grammar, Rhetoric, and Poetry. These would not confer a vote in Convocation.† In the University of Durham, "the academical rank" of civil engineer

Instance of the little encouragement to ability in Oxford.

* As an illustration of the discouragement under which men of recognised ability now labour in laying themselves out for permanent University employment, I mention the following case of one whose pupil I once was. In 1825 he took the highest classical, and the second mathematical honours: in 1826 he devoted himself to private pupils, of whom he educated 200, a considerable number of them recently or now tutors in the best Colleges. In 1836 he gave up his private pupils, and undertook, as Vice-Principal, the management of a Hall, the numbers of which he raised from 6 to 36. He served the office of Public Examiner, and was also Theological Public Examiner. In 1847 there was a change in the Principalship of the Hall, and a gentleman (who had previously discharged duties of a different nature) was promoted over my friend's head. Thus, after more than 20 years' service in the University, doing her work of promoting sound religion and useful learning, he is thrown aside, with his powers unabated, and his experience matured. This may or may not be a hardship to him,—I do not state it as such: but it is the University which is the greatest sufferer; and they who wish Oxford well have reason to complain of a system which works these results.

† "As we had degrees formerly in Grammar, so also in Rhetoric and Poetry." "The degrees of this faculty (Music) were but equal with those of Grammar, Rhetoric, and Poetry, being all accounted the most inferior in the University, and a Master, Professor, or Doctor of any of them was, and is, but equal with a Bachelor of Arts: the reason, because he or they studied and applied themselves but to one art, and therefore, 1. They were not to enter the House of Congregation or Convocation; 2. Not

is granted to students in civil engineering and mining after two or three years' study; certificates of competency in any particular branch of study are granted at an earlier period after examinations testing the proficiency of the students at the end of each year.* *Rev. John Wilkinson, M.A.*

There are many who cannot afford the time† or the money necessary for the regular academical course, who yet would readily avail themselves of the opportunity of studying under distinguished Professors particular branches of knowledge bearing upon their future callings in life. Oxford does not, cannot, under existing arrangements, afford specific professional instruction; but this is just the thing wanted by parents for their sons before entering the business of life. A degree in Arts does indeed advance a man in the ministry of the Church, and at the Bar, and yet no clerical or legal instruction accompanies it. The tendency of the times is certainly to special and professional education;‡ and it is far better for the pupils, for the University, and for the country, that this should have some connexion with Oxford. Severed from the University, as are those material sciences, the influence of which upon physical well-being is clear to all men, they naturally assume an attitude of alienation, if not of absolute hostility to Oxford and all her venerable associations. They are now her jealous rivals, and she may be their victim. If the University does not meet the requirements of the times (and when we compare the stationary number of her students, and the low standard of the ordinary examination for her degrees, with the general impulse given elsewhere to education, both in quantity and quality, we must indeed say *non progredi est regredi*), other instruments will be organized (if they be not already), and her utility will be superseded. Did she, like a wise householder, bring forth out of her treasure things new and old, did she comprehend the conservative character of a real reform, then the theological, moral, and natural sciences, ancient learning, and modern discoveries, would advance together with a mutual influence for good, nor would her faithful sons, who discern the signs of the times, lament her impaired effect upon public opinion, and dread the advance of the Manchester school. She once led the intellect of the country; to recover that high position should be her aim, and to this end any proposal is to be encouraged which promises to collect around the Professors the active intelligence of our generation. Great need of advance in Oxford.

7. The expediency of an examination previous to matriculation; of diminishing the length of time required for the first degree; of rendering the higher degrees real tests of merit; of so regulating the studies of the University as to render them at some period of the course more directly subservient to the future pursuits of the Student.

A public examination of all students previous to matriculation, conducted by University officers, would be very expedient, as a stimulus to schools throughout the country, and as requiring from all a certain amount of knowledge which would facilitate the composition of classes on some more uniform scale of acquirements. The "responsions" of the new examination statute, though as early as the third term, will not answer the purposes of a matriculation examination, because the expenses of the first settlement of the undergraduate (and these are the heaviest) will already have been incurred. The standard of the matriculation examination should be at least as high as that for the new responsions; and this is miserably low,—"one Latin, one Greek author, or a portion of each" (such as five books of Homer, any two plays of the dramatists, for Greek; the Georgics, five books of the Æneid, for Latin); "Arithmetic" (such as any village school could work); "Euclid or Algebra" (first and second books, or to simple equations inclusive); "a passage in English to be translated into Latin, and a paper of Grammatical Questions." There is not a third-rate Grammar-school in the country that could not reach this. It belongs to a school, not to a University, to teach the elements of classics and mathematics; and admission to the University ought to be denied to those who have not laid this foundation. MATRICULATION EXAMINATION.

"The length of time required for the first degree" might be diminished by two years, in certain cases, according to the proposal VI. 4*a*. *b*.

"The higher degrees" used to be "real tests of merit," granted after regular courses of study in the schools, and after proficiency had been tested by disputation and exercise;§ and so they would be now, were the statutes kept, which is not to be expected. The only practical question now is, the proper alteration. It is hopeless to expect more than four years' residence, if so much; but there is no reason why an examination should not precede the granting of any higher degree: the necessary study to be conducted anywhere. Under this liberty, some would HIGHER DEGREES.

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to vote in, or order the affairs of the University; 3. Not to place themselves among Artists at solemn meetings; 4. Or to enjoy the privileges of Artists." Anthony à Wood. The Schools, vol. v., p. 723, ed. 1796.

* Durham University Calendar.

† B.A., 4 years; M.A., 7; B.C.L., 10; D.C.L., 14; B.M., 7; D.M., 10; B.D., 14; D.D., 18.

‡ It was the same 700 years ago. "Scholars, though they had learned imperfectly, and had possest themselves with a strange and useless knowledge above their fellows, would not blush to be crowned with the title of Magister, to the end that they might quicklier pass to those beneficial studies of the Laws and Physic, whereas some years before this (when the days were constant and happy) the scholars would not then adventure such an act, not till they had consummated twenty years with great labour in Trivialls [grammar, logic, rhetoric], philosophical authors, poetry, and in the study of things written by other men's instructions." Anthony à Wood. Annals, 1160 A.D. Of these "beneficial studies," Walter de Merton, 1270, permitted only four or five of his scholars, during the Warden's pleasure, to study "Laws;" and medical students were, according to the ordinances of the Visitor, Archbishop Peckham, a few years after the founder's death, 1284, contrary to the statutes of the College. However, in 1524 there were more Physicians in Merton than in any other House in the University, and Lynacre's Physic Lecture was accordingly settled there. Archbishop Laud, in his Merton visitation, 1640, recognised both "beneficial studies." Special studies 700 years ago.

§ Founders frequently require their Fellows to take the higher degrees, supposing the degrees would be always tests of merit.

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still remain at Oxford after the B.A., as being the best place for study, and as having no particular call elsewhere. No degree ought to be granted without some test, and for this purpose examination is more necessary than residence. According to existing regulations, the lowest degree has the two requisites of residence and examination; the higher neither.

PROFESSIONAL STUDIES.

"The studies of the University" may be "regulated so as to render them at some period of the course more directly subservient to the future pursuits of the student," by permitting the student, after passing his middle examination (which will be in Arts), and leaving the Lecturers, to select, under the Professors, some particular school (I would not require more than one), and proceed to his degree through that. Thus the future Clergyman would enter the Divinity School, under the Professors of doctrinal and pastoral Theology, of Hebrew, of Scriptural Exegesis, and of Ecclesiastical History. The future lawyer would enter the Law school, under the Professors of Civil and Common law, with whom he would probably combine the Professors of Anglo-Saxon, of Modern History, and of Political Economy. The future Physician would enter the Medicine school, under the Professors of Medicine, of the practice of medicine, of Anatomy (now annexed to Medicine), and the Clinical Professor, with whom he would combine the Professors of Chemistry, of Botany, and of Natural Philosophy. The students of Ancient, or Modern, or Oriental Literature, of Mathematics, of Moral or Natural Science; the scholar, the politician, and the private gentleman, may all prepare for their "future pursuits." More schools than those of the new examination statute, sufficient to embrace all the Professors, would be necessary.

8. The expediency of combining the Professorial with the Tutorial System; of rendering the Professorial Foundations more available for the instruction of Undergraduates; of increasing the number and endowments of Professorships; of providing retiring pensions for Professors.

PROFESSORIAL SYSTEM.

I have already expressed the opinion, that the work of education ought to be conducted by officers deriving their authority from the University, and that any combination of the College Tutor and the University Professor will be a failure. I understand the Professorial System to be the complement to that of the Lecturers (as far as it is educational), directing to some particular branch of study the intellect generally cultivated in Arts. When Undergraduates, therefore, have laid a foundation in Arts, and passed in that School at the end of their second year, they might enter some one or more Schools under the Professors, whom, I imagine, grouped for this purpose somewhat thus:—

The *Divinity* School, under the Professors of Hebrew, Regius, and Margaret Divinity, Pastoral Theology, Ecclesiastical History, and Scriptural exegesis.

The School of *Classical Literature*, under the Professors of Greek and Ancient History.

The School of *Oriental Literature*, under the Professors of Arabic and Sanscrit.

The School of *Modern Literature, History, and Poetry*, under the Professors of Modern History, Anglo-Saxon, Modern Languages, and Poetry.

The School of *Moral Science and Dialectics*, under the Moral Philosophy Professor and the Prælector of Logic.

Three Schools of *Mathematics and Physics*, studied mathematically, and of *Natural Science*, under the Professors of Geometry, Natural Philosophy, Experimental Philosophy, Astronomy, Radcliffe Observer, Geology, Mineralogy, Botany, and Rural Economy,

The School of *Law and Political Economy*, under the Professors of Civil and Common Law, and of Political Economy.

The School of *Medicine*, under the Professors of Regius Medicine, the Practice of Medicine, Clinical Medicine, Anatomy, and Chemistry.

The School of *Music*, under the Professor of Music.

The force of some Schools would require increase; for instance, there is no Professor of Latin, and many auxiliary Professors would be wanted in the more frequented Schools.

But these and all other such details, both with reference to the Professors and the Lecturers, would be best arranged by delegates appointed by Convocation.

The expediency of some such arrangement is presumed to consist in its adaptation to the wants of the country, by providing special instruction in particular branches of study bearing upon future professional pursuits; the absorption into the University of the national mind; the domestication, within the University, of the material sciences, by rendering them generous helpmates, rather than jealous rivals, of theological, moral, abstract, and ancient knowledge. The position of the Professors will be high and honourable, worthy of great attainments and exertion. Distinguished men of European reputation will not, as now, to the disgrace of the University, address empty benches; for their Lectures will have a manifest bearing upon the Undergraduate's future career both within and without the University. For it is not sufficient to appoint eminent Professors, and to say the Students may attend—the failure of the Theological Board shows that; the difficulty is in securing the pupils, who will not attend except the Professorial system form a constituent part of University education, by the dependence of the B.A. or other equivalent degree upon the use made of it, and by the award of honours and other most substantial rewards to the most proficient. The requirement of the new Examination Statute, "attendance upon two courses of public Lectures," will by no means meet the case, for there is no provision for attention during attendance.

There is another end which every University ought to propose to itself, beside the education of the young, and that is, the advancement of learning and science. For this, too, the position of the Professor will be most favourable; his mind will be dedicated to one branch of study for life (for the chairs must be permanent); providing for his Lecture from time to time will compel him to think; the regular attendance of an intelligent class will encourage, and perhaps instruct him.

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As to the expediency of "increasing the endowments of professorships" (some are only 40*l.*, several only 100*l.* a year), "and of providing retiring pensions," there can be no doubt. The only question is, where is the money to come from?

Income of Professorial endowments

Partly it should come from the fees paid by those who attend the lectures, for then there would be an identity between the interest and the duty of the Professor, and the pupils would not undervalue what cost them nothing. But besides fees, there is necessary a fund for endowments and pensions, and I express the opinion that this should come out of the College property.

Means should be taken to ascertain the full value of all College property, and to make it available to the fullest extent for academical purposes. The Heads of Houses, and such a number of Fellows as may be necessary for carrying on the business of each particular College, should receive certain fixed stipends; the surplus, derived from the suppression of Fellowships and from the more profitable management of College lands, should be paid into a common fund, at the disposal of a paid Commission appointed by the Crown and by the Chancellor of the University, for the general transaction of all this kind of business; that this common fund should be available for the payment of Lecturers and Professors, for the support of poor deserving Scholars, and any other strictly academical purposes;* that the Commission should lay periodical reports before Convocation and Parliament.

from College property.

I propose a simple scheme of appropriation for academical purposes, on the precedent of the Ecclesiastical Commission and the suppression of Cathedral Canonries. If Parliament get entangled with Founders' wills and with the separate statutes of each foundation, there will be no end to it. A Bill enabling Visitors and Fellows to make changes will not answer the purpose: for although in three Colleges the Crown, as a living Founder, may have some sort of untried and uncertain power, yet in the remaining sixteen any alteration is, it is believed, generally forbidden, sometimes under the most solemn oaths.†

There is no other source whence the money can be provided. The House of Commons would not listen with patience to any demand upon the industry of the country, till the College property has been made available to the fullest extent. Besides, Oxford does not want more money, but a better application of what she has. In fact, some of the poorest Colleges are the best, and the richest the worst.

The Colleges cannot reasonably object to this scheme.‡ Existing incumbents would, of

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Pensions to literary men.

* I would include among these, pensions to men of eminent literary and scientific attainments, whether they have been Professors or not. The funds for this purpose in the hands of the First Minister of the Crown are very insufficient; and it has been objected, that they have been given in some cases for which the Universities ought to have provided. But, not to insist upon the obligation, would not Cambridge have done herself honour if she had pensioned Mr. John Adams? or Oxford, if, instead of titular distinctions, she had set Southey's mind at ease?

University oaths.

† Ought the Legislature to permit the administration of oaths, which interfere with the public good by preventing all change, and which bind men to do things, some of which cannot be done, and others of which the same Legislature has forbidden to be done? The multitude of University and College oaths must, besides, tend to weaken the force of that solemn moral obligation. Not only all candidates for degrees, but also all University officers, from the Chancellor down to the lower bedells, the verger, the clerk, and the tintinnabulary, have oaths prescribed for them in the Caroline Code. The clerk's duty is to dust the chairs and cushions in the schools, to post the public notices, to look after the University clock, to give boys a public flogging, and other such like particulars. He is required by the Code to make a corporal oath to observe the statutes, privileges, franchises, and customs of the University. I believe many oaths have recently been dispensed with, and among them the matriculation oath to observe the statutes. The University oaths are an ancient grievance and snare. In 1494 Cardinal Morton refused to take the Chancellor's oath, saying, "there was no need of it, seeing he had received several oaths before at the taking of his degrees." And yet there was then a remedy, which we Protestants do not enjoy; "for now (1511), and several ages before, it was a common thing for the Chancellor graciously to give license to all the Regents, '*ut eligerent sibi confessores idoneos ut eos absolverent ab omnibus delictis perpetratis*,' of which the chief was perjury." Anthony à Wood. Annals.

College oaths.

Of College oaths, these, taken from the statutes of the enlightened Bishop Fox,—an experienced statesman, an elegant scholar, a University reformer, and the friend of Erasmus,—are a specimen. The President of Corpus Christi College swears, that "he will inviolably keep, perform, and observe, and, in as far as in him lies, cause others to observe, all and every the statutes of the College, according to the literal and grammatical sense and meaning; that he will not contrive the decrease, change, or transfer of the number of the Scholars, Fellows, or Students, nor permit it to be done, nor endure it, nor consent to it; that he will not solicit any dispensation from his oaths, nor procure any by himself or others, directly or indirectly; and if haply any dispensation should be purchased for him, or offered gratuitously, or be granted in any manner whatsoever, be it of what authority, general, special, or other, it may be, under whatsoever form of words, he will not use it, nor consent to it in anywise." The oaths of the Fellows are the same, *mutatis mutandis*.

‡ The two objections usually urged against all interference are, the sanctity of the Fellows' oaths forbidding changes, and the capacity of the Visitors statutably provided for the purpose of doing all that is required. The oaths bind only the present incumbents, who would not be asked to co-operate. The Legislature might provide that their successors should be free to do what necessity and conscience dictate, without the fear or the imputation of perjury. When we look at the impracticable and illegal requirements of large portions of College statutes, one would suppose the Fellows would be glad to be relieved from swearing to do what they cannot or may not do. But this appeal to the sanctity of oaths would have more force than it now has, if all practicable statutes were religiously observed, and if no dispensation were admitted beyond that of unavoidable necessity. Now, in the Corpus Christi Statutes (and I only quote them in illustration, without any reflection upon that particular House) there are various requirements, very practicable, though rather disagreeable perhaps: *e. g.* the Bible is to be read every day at dinner-time, eating to be in silence, no talking or other enormities to be allowed during reading, but all earnestly and reverently to listen and ruminate on the words as their ghostly food. Immediately after dinner, and on the spot, the portion of Scripture read is to be expounded by the President or some Fellow graduated in Divinity. No other discourse or idiom than Latin or Greek to be used in any place within the College walls. There are various College lectures, and public disputations on questions of Logic, Natural Philosophy, or Metaphysics, notices of which are to be placarded in Hall. Masters, and even Doctors, unless they can show fair cause to the President, are required to attend, under penalty: scholars, if present, are to be seated at a small table in the middle of the Hall, and served with bread and water, which is also the punishment for absence from Chapel. Residence is required all the year: if any Fellow wish to go out of the University,

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course, not be disturbed. As for expectants, when the fellowships fell in, the revenues would form endowments for lectureships and professorships, and the most able members of the College would enjoy the income under another name. The scandal of the existing practice, in which nothing is done in consideration for a fellowship, would be avoided. Founders never contemplated establishing sinecures: they attached to the fellowships certain duties,* which,

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he must show a just, fair, and true reason to the President, and after consideration, mature weighing of reasons, of distance between localities, a certain time is prescribed for returning to College and study. No Fellow shall be absent in one and the same year more than 40 days; nor any Scholar (probationary Fellow), or Student, for more than 20. All who shall be absent at once (Fellows, Scholars, Students) shall not exceed the number of 6. In vacations 10 may be absent.

The usual defence for the neglect of such statutes as these is, that their observance is so very inconvenient, that the founder himself, if alive, would not require it. This narrows the case much; for if changes have been already made in the feasible portions of statutes, notwithstanding the sanctity of oaths forbidding changes, the question now is, Who shall be the judges of the amount of inconvenience? Who shall make the changes acknowledged to be necessary? The interested parties themselves, or the Legislature? If oaths must be broken, shall they continue to be broken without legal sanction, or shall the law interfere to prevent their administration in future? Besides, inconvenience in some of these particulars is no greater now than it was in the founders' times: it is not to be presumed that founders would sanction their Fellows' residence in Inns of Court in London or in country Curacies. This may be convenient to the parties concerned, or even to society at large; but it is most prejudicial to the purposes of the institution itself, and *that* would have been the object of the founder's solicitude.

Visitors' power inadequate.

As to Visitors, their power is circumscribed; it does not extend to the changes required, not even to sanctioning the changes the Fellows have already made. Besides, whatever their power may be, they do not exercise it. The Bishop of Winchester is the Visitor of five leading Colleges—Magdalen, New, Corpus Christi, St. John's, and Trinity. Bishop Fox desires, "that every five years, if not oftener required," the Bishop of Winchester shall visit, "in order that our statutes and observances may be kept, the virtues and sciences fostered, our possessions, spiritual and temporal goods flourish in prosperity, and our rights, liberties, and privileges be defended and protected. We also charge before the Most High, as grievously as we may, the consciences of the Reverend Fathers the Bishops of Winchester, and do exhort and implore them, in the bowels of our Lord Jesus Christ, that in performing and executing the above office, they seek not their own, but the things of Jesus Christ; and having God alone before the eyes of their minds, and setting aside all favour, fear, hatred, prayer, or fee, colours, and occasions whatsoever, do earnestly exercise the office of inquiry, correction, and reformation, and do perform it faithfully in all things, as they would render account in this case before God at His last judgment." It is impossible to read without emotion this most touching and solemn evangelical appeal. How many *lustra* have passed away since the last visitation of Corpus Christi College by a Bishop of Winchester?

Again, if Visitors do exercise their power, they are not always attended to, nor do their injunctions always agree well together. Walter de Merton left the number of his scholars purposely undetermined, but specially provided for their increase: "in case it be discovered....that the number of scholars admits of increase at the same rate of support [50 shillings per annum for all necessities], the number is to be increased for the honour of God's name." (Statutes, chap. xxv. and iii. Compare Archbishop Peckham's Ordinances, chap. iv.) Accordingly, the Visitors at different times interfered, Archbishop Peckham, 1284, imputing to the Fellows perjury, infamy, and ingratitude, tells them, that "the desires of their founder were most express and urgent, not for an increase of the allowance to existing scholars, but for an increase of the number of scholars;" and that they must elect the "indigent" only, and not such as have private means, as their founder desired. (Archbishop Peckham's Ordinances, chap. iv., xii.) Archbishop Chichely, 1425, saying that the light of the College is withdrawn, and that its management is a scandal, positively enjoins an increase in the number of Fellows to 44. (Archbishop Chichely's Ordinances, chap. 1.) Archbishop Laud, 1640, repealed the injunctions of his predecessors, and fixed the number at 24, which was not to be exceeded without reference to his successors. He, however, strictly enjoined residence, under pain of the loss of all emoluments. (Archbishop Laud's Ordinances, chap. iv., vi., ix., xxvi.) I do not know whether the present Fellows receive "the same rate of support as the founder's original scholars," that is, about 75*l.* a-year (I have taken 30 as the multiple, which is rather high); nor do I suppose that their incomes ought to be calculated according to the relative prices of commodities in the thirteenth century and now, without reference to the changes in manners and in the customary style of living; nor do I think their incomes, thus estimated, are excessive. But it is not generally supposed that "indigence" is a qualification for a Fellowship at Merton; and as to residence, of such members as Walter de Merton contemplated, there are not usually resident more than eight,—one-third of Laud's number, less than one-fifth of Chichely's. I am not casting any reflections upon a College which is behind none, and is before most, in the career of improvement. I am merely illustrating the position of Colleges generally by two examples, one of most ancient foundation, whose statutes were a model to future founders; the other more modern, with regulations compiled by a man of consummate wisdom and experience. Surely inquiry into the state of the Colleges ought not to be stigmatised as an "inquisition," "dangerous principle," "ill-omened precedent," "intending evil," "a despotic stretch of antiquated prerogative," &c.

Corpus Christi College.

* I will again take an illustration from Corpus Christi College. Bishop Fox said, "that it was sacrilege for a man to tarry longer at the University than he had a desire to profit." He "built houses and provided livelihoods, not for a company of bussing monks, but for the increase of learning, and for such as by their learning shall do good in the Church and Commonwealth." His College he called "a bee-garden, wherein scholars, like ingenious bees, are by day and night to make wax, to the honour of God, and honey dropping sweetness, to the profit of themselves and all Christians." Accordingly, he divided the time of his Fellows between devotional exercises ("wax to the glory of God"), and study, secular and religious ("honey dropping sweetness," &c.). As to devotional exercises, not to mention the additional services on holydays, all members of the College were required to be present at matins, prime and second vespers, and prime and second complines, daily: four masses every day except Saturday,—1st, matin mass; 2nd, for the soul of Hugh Oldham; 3rd, for the founder, and his parents, and all benefactors; 4th, for William Frost and Juliana his wife. All to be done without fraud, evasion, or feigned excuse, the consciences of the parties being bound by virtue of their oaths. The very forms of their private prayers are enjoined upon all, from the President to the Sacristan. As to religious and secular study, the Bible reading and exposition have been already mentioned. Of lectures, the Humanity Reader was to deliver nine a-week all the year round; Greek lectures also nine. All, even Masters not being Divines, to attend; and absentees punished by being seated at a small table in the middle of the Hall, and served with bread and water: the Divinity Lecturer read every day at two o'clock, and all Divines were to attend. These were all in College lectures. Besides these, all Divines were to attend every day two public University Divinity lectures; all Artists, two Philosophy lectures. Then there were the Disputations, every Wednesday on Logic, every Friday on Natural Philosophy or Metaphysics, and some other day on Divinity. Even Doctors were to be present. As far as I understand the scheme, the Artists were to attend 32 lectures a-week, the Divines 19, besides some of the lectures in Arts, I imagine. However, it is clear that, between devotion and study, Bishop Fox intended to occupy the *whole* time and attention of those on his foundation: they were "only occasionally to unbend their minds and studies, and on rare occasions even in vacations." Now, I would ask, whether the existing

in the lapse of time, it is not expedient, and sometimes not legal to perform. The Colleges indeed, as limited to their own foundation members and taking no part in the government of the University, are private corporations: but in their present position, they are the University, and as such they are national institutions and come under the regulation of the national Legislature. Exercising all the privileges which the State has bestowed upon the University, they will necessarily accept the responsibilities attaching to those privileges, and submit to such modifications as will best promote the intentions of their Founders and the national purposes of useful learning and sound education.* *Rev. John Wilkinson, M.A.*

9. The most eligible mode of appointing Professors.

With regard to the Lecturers, I have supposed that they would be appointed by election after examination, much in the same way as the open Fellowships at Baliol and Oriel are filled up. But with regard to the Professors and auxiliary Professors, men of greater age and standing, the only proper test would be general reputation consequent upon tried ability and skill. The competency of the electors, therefore, is most important. APPOINTMENT OF PROFESSORS.

There are three possible modes of appointment—by Convocation, by the Hebdomadal Board, and by the Crown.

The objection against both the former is, that local feelings would be too strong for an impartial estimate, and the public good would be sacrificed to party. The particular objection against appointment by Convocation is, that it necessitates an odious system of canvassing, which no man of known character ought to be compelled to undertake, and to which no man of fine feeling can submit. Colleges notoriously vote in a body, and coalesce with each other, on an understanding of electing each other's members. I know that candidates are compelled to conceal the number of their promises, till disclosed by the vote.

The particular objection against appointment by the Hebdomadal Board is, that it, as now constituted, represents, not the University, but the private corporations within the University; and is thus obviously unfit to elect University officers. Besides, experience forbids entrusting the revival of the ancient statutable professorial system to that body which permitted, if it did not occasion, the present decay of that system. There would be another objection to appointment by the Board as proposed to be organised by the addition of the Professors, viz., that the governing body of the University would be self-elective, and would degenerate into the closest oligarchy.

This exhaustive process brings us to the Crown, as upon the whole the most unexceptionable mode of appointment, not only from the objections against the other two possible modes, but also from the direct responsibility of its advisers to Parliament, in both Houses of which the University is represented, and from its intimate historical connexion with the University, which it chartered and privileged, and wherein by the very constitution of the University, its power, even without Parliament, is so paramount as never to have been questioned by the University.

I will not trouble Her Majesty's Commissioners with any remarks upon the remaining topics of their circular, upon which I have nothing more particular to offer than has been incidentally observed in the course of what I have before written.

P.S.—The answer on the visitatorial power of the Crown will be enlarged upon in a postscript.†

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practice, in which nothing, or next to nothing, is done by Fellows in consideration of their Fellowships (for the Tutors are otherwise paid), be not a greater violation of founders' wills, than the proposed appropriation of College property to Lectureships, Professorships, and other strictly academical purposes?

* The Royal and other visitations of Oxford, since the rise of the Colleges to academical importance, have dealt with the Colleges as well as with the University. Henry VIII.th's Visitors, 1535, established in certain Colleges, out of the funds of those Colleges, public lectures, to which the members of the less wealthy Colleges were to have recourse. The same thing seems to have been done in 1579. He commuted the payment of first fruits and tenths by the Colleges into a tax for the maintenance of a Divinity Lecture, 1536. Edward VI.th's Commissioners, 1549, suspended, according to the Royal letters, all College statutes, and allowed none, without their leave, to proceed to a statutable election: their authority extended to the deposition of College officers, alienation of College property, alteration of statutes, and regulation of studies. Under Queen Mary's visitation, 1553, "Religion and learning put on another face." In 1559, Queen Elizabeth instituted "a mild and gentle, not rigorous reformation;" that is to say, her Visitors suspended College elections, purged College chapels, annulled Cardinal Pole's regulations, removed, ejected, exiled, or imprisoned certain eminent College authorities who refused the oath of supremacy. In Corpus Christi College a President was forcibly imposed, 1568, and the dissentient Fellows ejected. She was opposed in Magdalen College, and this case was quoted against the Parliamentary Commission, 1647, which claimed the right of visiting all Colleges in the King's name. In 1570 and in 1575 Parliament interfered, to make College lands more profitable, by regulating the terms of leases with the tenants. Anthony à Wood. Annals, var. years. Visitation of Colleges.

† This postscript will be found at the close of Part I., p. 245.

H. H. Vaughan, Esq., M.A.

*Answers from Henry Halford Vaughan, M.A., late Fellow of Oriel College, and Regius Professor of Modern History.**

Constitution of the University.

3 and 5. Of the details connected with the *administration* of the University, and affecting the value of the present constitution as *administrative*, I am not thoroughly qualified to speak. Long residence in the University, and familiar acquaintance with the proceedings of the Hebdomadal Board, would perhaps be necessary to furnish materials for a *complete* judgment on the subject. But it certainly appears that a less exclusive body might safely and advantageously be entrusted with legislative functions, and also with government. At present the whole legislation is practically committed to the Hebdomadal Board; for all measures must originate with them, and the Convocation, which may exercise the right to approve or to reject, cannot initiate any law, nor amend any statute submitted to it. In fact, the Convocation only exercises a right of veto. It must be recollected, that in proposing any change on this point, we are not innovating on an ancient and traditional constitution; but simply submitting to alteration that part of our system which was itself the result of changes more or less deliberately effected.

Hebdomadal Board.

The Board of Heads of Houses gradually assumed importance as the Colleges trenched on the University system. Under the government of Chancellor Lord Leicester, it seems to have been raised into an authority, which overbore and suppressed an assembly called the Black Congregation; whose proceedings and authority are occasionally heard of so late as the latter half of the sixteenth century. It is said, that the changed condition of the University, as well as the arbitrary habits of that Chancellor, who could through this Board of Heads more effectually exercise his control, developed and confirmed the ascendancy of the Heads of Houses. Whatever may be the merits and efficiency therefore, of this part of our present constitution, it is not a fundamental and aboriginal system. And I cannot but think that it is somewhat more exclusive in its character than can be necessary or beneficial. The Heads of Colleges are elected by their respective societies, and owe their promotion to the confidence which these bodies repose in them. This confidence may arise from a sense of past services, or the acknowledgment of qualities adapted to manage the details of finance, property, and discipline; or from social merits calculated to govern and harmonize the society. But the Heads of Houses do not necessarily, or even very generally, follow literary and scientific pursuits. Nor are they directly and closely connected with the instruction of the place. They simply appoint the tutors, and preside with more or less activity at the terminal examinations in College. They live generally with their families, and do not immediately imbibe the spirit or learn the wishes of those who more directly carry forward the instruction. They constitute a most valuable element for legislation as well as administration; but I think that it would be advantageous, if in addition to this, other influences were admitted to give their aid in suggesting and framing the laws of the University. It would be well, I think, at least to *comprehend* a learned element, such as in many European Universities has the chief if not the only sway. It would be desirable that in the seat of learning and instruction, those who have attained the highest position as cultivators of literature and science, who must be considered as intimately acquainted with the state of the several departments of knowledge, who are brought into occasional contact with students of all ages and degrees in the place, who have proved themselves to possess a considerable degree of intellectual power, and who are necessarily interested in the success and reputation of the University, should take some active part in making and administering the laws.

Present position of the Professors.

I allude of course to the Professors as a body, who at present are scarcely recognised to be a part of the University system. That a University in the higher sense of the term, should exist without such a class seems almost impossible; and it would be wasteful to possess it, or call it into existence, without assigning to it an important place in legislation and management. I do not suppose that there could occur any signal difficulty in the attempt to form a legislative and administrative Board out of the body of Heads of Houses and Professors. But I venture to suggest a scheme which would fulfil the conditions I have pointed out, and at the same time it would comprehend a third element tending to give the legislative Board somewhat of a popular and representative character, and thereby aiding its efficiency. For in order to convey information as to the state of the students, their moral condition, discipline, and attainments—in order to bring the public opinion of the place to bear more completely on the legislation—and to harmonize the legislation with the actual working of the system—it might be well to include in the legislative body a certain number of representatives of the present Masters.

Proposed Board.

A Board then might be constructed, which should consist of all Heads of Houses and Professors, two Proctors, and a certain number—say six—Masters; two of whom might be elected annually by convocation, be entitled "Regent Masters," and serve in this capacity for three years, when their tenure of office would expire. To all *election* perhaps some exception may be taken as involving excitement, which is not salutary; but on the other hand, it may be advisable to introduce the representative principle in this manner, by electing a few Masters from year to year, rather than by admitting a great number, whose presence would tend to make the whole Board a piece of cumbrous machinery, and ineffective in proportion. It need not be observed that the Proctors were originally elected by the Masters; one from the northern nation, the other from the southern. The animosity of parties, and the rudeness of the age rendered these elections an occasion of disorder and disturbance, such as may have justified the adoption of a cycle transferring to the Colleges in succession an office which had once been bestowed by the votes of those nations. In our own day, and with our own experience of convocation elections, the same evils need not be apprehended. Without therefore infringing upon an equitable cycle of rotation as the principle of appointment for the Proctors, a system of election might be adopted with respect to other Masters. The duration of their office for three years would prevent their degenerating

* For Mr. Vaughan's Evidence as Professor, see Part II., p. 268.

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through ignorance of business and forms into insignificant characters in the assembly. Their retirement from office would be sufficiently frequent to give a constant representation to the Masters in the University, and their number would be large enough to enable them to act freely and with a sense of their importance. A body thus constituted would bring into action most of the valuable elements for legislation which the place could supply—age, intellectual ability, practical habits, the feeling and opinion of the time, a knowledge of the subjects which the University proposes to teach, of its state, moral and instructional, and of its trusts and property and finances. Such a body could not act directly as the administrative or executive power. The numbers would be too large. But it might indirectly supply such a Board. It might either elect out of its own members a general Board of management; or it might entrust the work of administration in different departments, to separate delegacies or sub-committees similarly chosen. Perhaps the simpler method, that involving the least degree of infringement upon the present system, would be to construct out of this legislative assembly or congregation a Board, which should perform all the executive functions of the present Hebdomadal Board. It might consist of a fixed proportion of Heads of Houses, a fixed proportion of Professors, and two Proctors. Of these a part might retire every year; and of the part so retiring, one half might be re-eligible. Thus, for instance, if the Hebdomadal Board were to consist of 24 members, each member should serve for four years, six members should retire annually, and six be annually elected. Of the six so retiring, three might be eligible to the same duties immediately; the remaining three not be eligible for four years. In this way would be secured sufficient length of service to make the several members efficient, sufficient change to exclude the possibility of a prolongation of power in the hands of a set, and sufficient pliancy as to the readmission of old members, to permit the continuance in office of any who might manifest peculiar aptitude for the work, or whose removal at the moment might be for any cause inconvenient. Such is one mode of carrying out the first alternative. To the second, viz., that of committing the administration to particular and separate delegacies and sub-committees, who might be elected by the legislative congregation out of their own body, and empowered to act or to report, I do not see any obvious objection. Matters of finance, discipline, public collections, libraries, museums, scholarships, &c. might be so administered. But as I said before, I feel that a practical acquaintance with the duties of the present Hebdomadal Board, and of its relation to other administrative Boards, trusteeships and curatorships in the University, would be desirable, in order to check one's judgment on such a point.

I have ventured to sketch this scheme, in order to show that suggestions for improving the character of the present legislative body by admitting new elements into it which ought not to be excluded, are not vague and impracticable. My answer to the questions concerning the professorships will disclose a further use which may be made of such an organization as I have proposed, in appointing some of the Professors of the University. (*See* Question 9).

I would here add my opinion, that in matters connected with the discipline and instruction of the students in College, the University ought to have the power to legislate. One great question which will frequently suggest itself to the minds of Her Majesty's Commissioners, touches the relation of the Colleges to the University. And it seems to me quite necessary either to construct something like a University system apart from the Colleges, or to identify the Colleges with the University somewhat more effectively than the two systems are combined at present.

University extension.

I should in this scheme propose to leave the legislative power and constitution of *Convocation* in its present state.

Question 6.—It might I think be beneficial to the University and the nation to extend our means of education by allowing students to lodge in the town in private houses even without any direct connection with the Colleges. Oxford is a provincial town. By this circumstance and its connexion with the University it is relieved from many temptations to disorder, which are inseparable from a large capital, The town itself is so watched by the disciplinary forces of the University and the police, that a system of espionage over its individual members is less needed than would be the case in a larger city. On both accounts, therefore, there is no parallel between the perils of a student in Oxford and one in London, Paris, Berlin, Hanover, or even Windsor. The discipline of the Colleges themselves is, I believe, mainly preserved through the reports of the porter and College servants; and the same system might be carried out in its more important features in respect to lodging-houses. They should be periodically licensed by the University, which should also receive from them constant reports of the habits of their inmates. Discommunion and discontinuance of the licence should follow any neglect of this duty, or any kind of collusion with disorderly students, an evil not much to be apprehended in a town, the lodgings in which would be filled with University men, and must depend upon University patronage. In this way the habits of students might be ascertained as accurately as those of collegians are now; and rebuke or punishment be administered as regularly. Additional duties would thus be imposed on University officers; but even were it necessary to create new officers for the purpose, no great practical difficulty need be apprehended from this. Something, of course, might be lost to such students by want of that close and continual intercourse of a man with the habits and opinions of his fellow-students which College life favours. But this benefit is not, I think, sufficiently great or sufficiently certain to create a strong objection to a system in which it might be impaired. On the other hand the advantages of such an arrangement might be considerable. and they would very properly accompany the recent expansion of our instructional course. Some direct and some indirect expenses of College life might thus be avoided. Amongst direct expenses may be numbered tuition fees, library fees, where such exists, and other charges, perhaps, which, however reasonable and desirable in many cases, yet might not in all be felt as needful. Indirectly too the College system occasions outlay of money, which a more private method of living could

Lodging of Students in Private Houses unconnected with Colleges.

Advantage of such a scheme.

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avoid. The frugality and prudence of individuals might adopt a lower scale of expense and living than it might be desirable to carry out in a College system, calculated on the average wants of gentlemen. And besides, even were it practicable for students possessed of narrower means than their neighbours in College to adapt their dinners, breakfasts, furniture, gratuities, hospitalities, &c., to their circumstances, yet such a style of living would be exceptional, and might give occasion for remark, or for the suspicion that remarks would be made, and so far an obstacle would generally be found to exist against the application of a rigid economy. A more private system of living, on the other hand, might give opportunity to escape from observation or the fear of it. Something analogous to this supposed state of things takes place, I conceive, in the case of legal and medical students in London. Some even for the sake of economy connect themselves with a club, where they can dine, read newspapers, &c., upon very reasonable terms. In doing so they practise *economy*, but such economy as can apply only to *their* means and habits. Others, for the sake of *economy*, dine in their rooms, or in cheaper taverns. Their life is more private, and being so, escapes both observation and the consciousness that their appearance differs from that of their neighbours in proportion to the difference of pecuniary circumstances. Thus, I conceive that lodging-houses connected with the *University*, although *not with the Colleges*, would extend the usefulness of the University system, and I think that such a change at this moment would be opportune as well as advantageous.

The University at present, instructs nearly all who are intended for the Church, many intended for the Bar, many intended for the life of private gentlemen, and very few Physicians. By the late statute admitting graduation, so to speak, in the physical sciences and law and history, opportunities are given to students who have scarcely appeared here hitherto. The legal element admits of very large expansion; so does the medical. It may be said that surgeons, general practitioners, solicitors, and *many others* who require a good education, never come here to finish it. With better opportunities of learning, and with happier economical arrangements, it might be otherwise. There would always remain great advantages connected with college life, such as would induce the far larger portion of students to enter as Collegians. But I think that all the natural advantages which the College possesses would themselves be more completely and systematically developed, if it were permitted to students to enter the University as lodgers in rooms (chamber-dekyns). The very existence of a rival system would stimulate the management of Colleges, perhaps, in a good direction.

Of course it would be impossible to refuse licenses to *Halls* if they were granted to *Houses*. It would be unwise to give permission to small establishments which would at the same time be denied to larger ones. In this sense, therefore, new *Halls* should, I conceive, be encouraged, not as independent institutions, but as large houses subject to the visitation and control of the University, and conferring no constitutional privilege on those who open them. On other conditions, I conceive that Halls may become a nuisance to a University, ports of refuge and sally-ports to idle and spendthrift characters who have been driven from other Colleges, and have entered a Hall that they may have University privileges without University control. I see no objection to *Collegians* living in the town more than they do at present. Indeed, some suggestions which I shall make bold to offer in regard to the Tutorial system will involve the extension of this arrangement.

New Halls.

Lodging of Collegians in Private Houses.

Attendance on Professorial Lectures of persons unincorporated in the University.

I do not think it of any great importance to allow attendance on professorial lectures without further connexion with the University; and there are some obvious objections to it, such as would make it desirable to limit such permission to three classes, viz.; 1st. Youths resident in the houses of their parents or guardians in the town. 2nd. Married men. 3rd. Men who have arrived at mature years, say twenty-six. In respect of such, an arrangement of this kind might be liberal, beneficial, and in all respects harmless. But the general adoption of such a plan in respect to all ages and classes, would tend to fill the place with students exempt from the discipline of the University. In offering these observations, I beg to add that it seems of much greater importance to teach those effectually who already resort to Oxford, than to attract those classes who have hitherto kept away. But the latter object is still a very desirable one.

Question 7.—An examination previous to matriculation would, I think, be beneficial and expedient under many points of view.

Matriculation Examination.

First. Such an examination would, I think, further and assist a good management and *distribution* of time in education, particularly in reference to the various subjects of instruction. The University has now proclaimed that it will teach more subjects than it has hitherto done, or at any rate that it will encourage the knowlege of more subjects as parts of a good education. Now, it seems necessary in order to effect this, that the years of education between seven and twenty-one should be in some degree methodically distributed and allotted to the different studies of which the whole educational course is to consist. It seems advisable that a certain order should be preserved—that the compulsory prosecution of a certain class of subjects should be brought to a close before the whole instruction is finished—and that a certain other class of subjects should be taken up when the former is relinquished. Thus, for instance, it may be desirable that at a later period in the education scope should be given to the physical sciences, mental philosophy, the philosophy of language, modern history, &c., &c. I am far from laying down that the study of the natural world ought necessarily to *follow* that of the ancient languages. I do not contend now for any particular order, but it seems quite necessary that some should be commenced before others; and, indeed, that some should be advanced almost to completeness before others are entered on. Now, I cannot but think that one great difficulty which the University must have to encounter in making its system more comprehensive as to subjects, will be much lessened by an examination previous to matriculation. At the present moment the great test of the efficiency and excellence of public schools and other educational establishments on which they are content to stake their general reputation is the

Its advantages.

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public examination for the degree. It is a great public and comprehensive trial through which all must pass. Its publicity and its universality constitute it into a generally accepted proof of the education of all educated men. At present, therefore, the schools will teach *whatever* the examination for the degree comprehends, and the schools will neglect whatever the examination for the degree omits. It is very difficult, therefore, under the present system to assign *distinct* subjects and modes of instruction to schools and the University. For the school teaching will shape itself on the model of the later Examinations in the University. But were an examination instituted previous to matriculation, and were distinctions conferred at such examination, there would be found in this a public test of school efficiency, and masters of schools and private tutors would turn their energies in this direction. They would not so much attempt to teach all things to their youths as now they will be tempted to do, but they would instruct them eagerly and thoroughly in classical languages, arithmetic, geometry and algebra, ancient history, composition in verse and prose, and whatever else it might be desirable to insist upon in this examination; and they would leave it to the University itself to take up the instruction by the addition of higher subjects, or such as might suit more advanced years.

In the second place, an examination previous to matriculation would aid in raising the standard of the future examinations and of the future instruction in the University. It is, I believe, proved by experience that the average attainments of the candidates for a degree can impose a standard upon the examiners. The terms of the statute, for instance, may require correct Latinity, yet the examiners may be, and are, compelled to overlook Latinity grossly incorrect, because the great number of bad scholars places them in the dilemma of abandoning the prescribed rule or rejecting one-half of the candidates. The former alternative is therefore accepted. Now it would very much aid the possibility of adhering to a good standard for the degree and the previous examinations if a respectable amount of qualification were demanded on entrance. In such case both student and tutor would find a satisfactory and definite point of knowledge and general attainments, even in the most unfavourable cases, on which to commence. Again, it would tend to raise the general standard of teaching in College lectures should this method of instruction be continued. The more advanced would not, to such an extent, be retarded and disgusted by the reiterations of elementary knowledge imparted for the benefit of those whose qualifications are below the respectable standard. And further the University would have fewer "crammers" within its walls, whose duty it is to bring men of neglected education or indolent habits up to the mark within a few months, and whose skill must consist in teaching a plausible evasion, rather than a satisfaction of the examination statutes.

Some colleges at present require considerable proficiency in the men whom they admit; but there are many reasons why this should not constitute the University test. It is very unequal. Colleges which have not a high reputation cannot afford to raise an additional barrier to the filling of the College rooms; they therefore remain satisfied with very slight knowledge. And it is both impolitic and unjust that one individual by having entered his name at A College should be kept out of the University altogether, while another individual of inferior attainments, who has satisfied the exceedingly low standard of B College, is admitted to the University at once.

I am disposed, therefore, to recommend a University examination once or twice per annum, at which certificates for matriculation should be granted, and at which even honours should be awarded to those inclined to compete for them.

This arrangement, it must be added, would operate beneficially and effectually in suppressing bad schools and inefficient private tutors, who can now profess to prepare for the University without exposure, or even, perhaps, consciousness, of their defects.

THE HIGHER DEGREES.

I am disposed to hope that a proper distribution of Fellowships may serve most of the good purposes which could be answered by further examinations after the degree of B.A. It must be borne in mind, too, that the continuance of examinations up to a very late period in academical life, would, in some points of view, be undesirable. Such a system would perhaps tend in some degree to supersede exertions better suited to develop earnest purposes and original powers by authorship and independent investigations. But apart from this objection, which, I think, is not without its weight, there are difficulties in giving practical efficacy to a system of more advanced degrees. If the standard be positive, and not merely comparative, every rejected candidate is (like a plucked candidate for the degree of B.A. now), humiliated by failure. To men of more mature years, already engaged in teaching perhaps, and dependent upon their character for their position and income, such a mishap as a rejection would be in a much higher degree annoying. The consideration and sympathy, therefore, of the examiners would be hourly appealed to in an indirect manner, to adopt a very comprehensive standard in awarding such degrees. Thus would the examinations perhaps be kept down to a lower point than would serve to stimulate the industry of the older members of the University. This difficulty could be avoided by making the degrees objects of competition, but in this we should perhaps feel the effects of the other evil to which I have alluded,—we should be giving too much care perhaps to develope docility and accomplishment at the expense of more masculine and efficient faculties.

Examinations for them impracticable.

PROFESSIONAL STUDIES AT OXFORD.

As to making some part of the academical course more directly subservient to the future career of students, I conceive that a *real comprehension* of all the different branches of knowledge, such as will not only permit but encourage them, will effect this purpose so far as it is wise to do so. There is much in medical and in legal studies which cannot be effectually taught at the University; so also of engineering, agriculture, politics, &c. But there is not one of these professions for which the University will not very effectually educate in the most essential and fundamental particulars, if she do but *heartily* and *faithfully carry out* the system

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which she has *recently* established. As society is constituted, for the present, I see no necessity for more than this. It is one peculiarity of our social condition that we have too much rather than too little time to learn the specialties of the higher branches of professions; and it has been hitherto the evil of our system of education, that a good foundation in general knowledge has not been laid through which these specialties can be approached effectively and in a liberal spirit. A physician might well learn chemistry, physiology, mechanics, botany, and natural history, and anatomy at the University, and the rest of his profession could be imparted to him in the London hospitals and medical schools. Hitherto the study of therapeutics, pathology, &c., has been learned in London, along with sciences which should have been known before the commencement of purely professional life. I confess that, in my opinion, the *present* University scheme (liberal as it is comparatively), is still deficient in not having *emancipated the final* examinations more completely from classical and theological studies as *compulsory on all.* Nor do I think that until this be done, much will have been practically effected in physical, historical, and mathematical instruction. I advocate these studies not merely, nor indeed by any means chiefly, as subservient to a future practical career, but also as most wholesome and delightful gymnastics of the mind, infinitely valuable as a part of education. I venture also to say that it is hard to read over the list of subjects required for the degree *now*, without being struck by the very large preponderance of the theological element. A man who can take a degree is already, in point of attainments, three-fourths of a Clerk in Orders, but he is not one-fourth of any other profession. I am not insensible to the higher value which must necessarily be attached to religious knowledge above other branches of learning.

Defects of the new Statute.

Preponderance of the Theological element.

TUTORIAL SYSTEM.

No. 7. The University is now instructed generally by tutors. The cost of this instruction given to some 1400 or 1500 men is considerably more than 20,000*l.* per annum. I cannot but think it desirable that some higher kind of information should be provided for the University than can be secured to it through the average attainments of some eighty able men, teaching, each of them, many subjects, and adopting this occupation for a few years only, till a College living or some other preferment enables them to quit the place. It is evident that the qualifications of individuals will differ most widely, but that the average is not likely to be very high under an arrangement which gives no increased advantage to the most painful over the most perfunctory discharge of such duties. On the modification of this, the tutorial system, I shall speak hereafter. But regarding it under the most favourable form, I need not say that it must be much more practicable to obtain one man of first-rate powers and attainments in any department of learning, than it would be to provide twenty-four or twenty-five such; and more easy to find this superiority in one whose life is to be devoted to his pursuit than in those whose application to it is felt by themselves to be temporary. It can scarcely be doubted that the absence of the Professorial element in its vigour is one great cause of the comparative silence of the University of Oxford upon scientific and literary subjects when contrasted with Paris, Edinburgh, and the foreign universities. To some it might possibly present itself as an objection to the Professorial system in general, that it would introduce amongst us a style of teaching and a tone of opinion on all subjects similar to those which pervade continental universities. Without entering at all into the probable mischief of such a result, I cannot help observing that such an apprehension appears to me hasty and ill-founded, and indeed, if duly considered, the reverse of the truth. At the present moment the teaching of the University is, on the whole, indirectly determined (so far as the information itself is concerned) by the Professorial system. Our classical manuals, editions, histories, grammars, &c., are the work of Professors. These Professors are foreigners, and as we have no similar class in our own University, which might supply us, their superiority to our home-grown literature on such subjects is incontestable. The University is thus obliged to adopt the works of foreigners on many subjects, and with this is coupled the necessity of instilling in some degree their general principles of criticism and philosophy. Had we a Professorial system of our own embracing all the great subjects of instruction, the national character and genius would assert itself in their works. The spirit of our own institutions, intellectual character, domestic life, and moral qualities, would necessarily be at work in the minds of our Professors to form a literature and philosophy independent, native, and in the truest and most valuable sense congenial; it would, therefore, not tend to make us copyists of foreign systems either in form or spirit, but would open for us a new source of independence in these things. I do not confine the utility of Professors, by any means, to the direct teaching of under-graduates; but an infusion of such teaching into the University system must be beneficial, and must tend to give interest, comprehensiveness, and depth to the instruction. At present there is scarcely room for Professors at all. College lectures begin early in the morning, and do not cease until two o'clock. College discipline—over which the Professors, of course, can exercise no control—enforces the attendance on College lectures. The Professor, therefore, at present must take his choice between an hour when men *cannot* come, and one when, if they do come, they cannot give their faculties, with profit, to his lectures. As Professor of Modern History, I gave notice of some lectures for last term, at one o'clock. Many names were put down; there came from some Colleges as many as twelve or fourteen; from others—as, for instance, from Exeter, Lincoln, Trinity, Wadham, Magdalen, Queen's, Pembroke, and Worcester, scarcely a man appeared. It cannot be supposed that out of half the Colleges not one man wished to attend; while, out of the other half, some single Colleges produced twelve, or even fourteen or sixteen attendants. It must be inferred that the College arrangements, in the case of Balliol, University, Christ Church, &c., assisted the attendance, while in other instances the College arrangements interfered with it. The case of one College in particular illustrates this, out of which appeared, at the first lecture, nine or ten men, who were subsequently obliged to withdraw their names because their College Tutor required their attendance at the same hour to learn another subject. I by no means wish to have it inferred that in this particular instance the tutor did not exercise

THE PROFESSORIAL SYSTEM.

Need of it in Oxford.

Obstacles to it in Oxford.

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a most proper discretion. I offer the fact only as an illustration and proof of the manner in which the Tutorial and College system now impedes even the partial action of the Professorial. I think that the two might be combined, under whatever form the Tutorial system continues to exist. It has already been proposed, in more than one publication, to effect the combination by retaining the Tutorial system in its present action up to the last year; and by transferring, at the commencement of the last year, the students to Professorial instruction. This arrangement is advocated on the ground that the last year would find the students sufficiently advanced to need, and to profit by, a higher style of instruction. I confess that to me this mode of uniting the two systems appears objectionable on the following grounds. In the first place, such an arrangement would, I think, tend to make the Professor into a Tutor of the third year. The functions of Professor would become merged in that of Tutor-Professor, and the tendency towards this result would carry with it an undesirable change in the habits and faculties of the Professor himself. Again, such an arrangement is not, I think, based on a sound view of the condition of the students. Some are more advanced in attainments and have greater powers of comprehension and digestion in their first year than others have in their last; and with respect to such it would, I think, be unwise, almost unjust, to keep them in the University for two years without opportunity or encouragement to catch the spirit of its best instruction. And even with regard to the less eager students, it does not follow that they might not attend with profit a Professorial course, a part of whose functions it should be to kindle an interest and to exhibit a proper method of inquiry and thought, and so to aid in bringing sluggish temperaments and dormant faculties into action. On this ground I am inclined to think that even the less advanced might attend with benefit and listen to one whose talents and attainments had raised him to such a position as a chair in our University ought to be, and, I trust, will be. If the system of tuition in Colleges, therefore, is maintained, as a compulsory and universal means of education, it might be accompanied by an arrangement which should somewhat relax the exclusive character of its action, so as at least to be attended by a concurrent instruction through Professors. A portion of each day should be left sacred to the attendance on Professors. Were even one entire available hour of the day—an hour in which the faculties are still fresh, kept disengaged from Tutorial work, even such an arrangement would give much more freedom to the Professorial system than it possesses at present. Such attendance should be considered as part of the work of the place. In so far as the lectures of the tutors are compulsory, there would be no anomaly at least in requiring a certain amount of such attendance on the University Professors. Thus much might be done directly.

Combination of the two systems.

The same purpose might be assisted indirectly by giving the Professors a superintendence of some kind over the examinations in the different departments of knowledge. By the adoption of this plan a double purpose would be answered; the quality and character of the examinations might be steadily raised by the supervision of men masters in their department. The system of examinations has grown upon us, and we must accept it for the present as the means of stimulating and directing the instruction and the energies of the students. But the system has not kept pace with itself in all respects. Examinations have been instituted, but measures to provide thoroughly good examinations have not been taken at the same time. In some few instances the Examiners are not paid at all, their work is given gratuitously. In few cases are they selected in a manner quite satisfactory, at least there is no guarantee given that very able men will be appointed; so that, what with underpaid services and hap-hazard appointments, this function in the University has been imperfectly discharged. Yet I feel that there is none upon which the success of the University system more materially depends. To exclude so far as possible the favours or injuries of chance—to foil the arts of "cram"—to apportion the success to the industry, the talent, and the good sense of the students—is, in effect, and, indirectly, to secure good teaching, and good, energetic, honest learning. Good examinations can help to effect all this, and good Examiners only can produce good examinations; and masterly knowledge, aided by high talent and discretion, *alone* can make good Examiners. The Professors, therefore, ought, I think, to exercise a constant though *not an exclusive* control over the examinations. This is to be desired, in the first place, in order to aid the introduction and maintenance of first-rate examinations; it would also serve the purpose of diffusing the results of Professorial teaching generally through the academical body. Students and teachers would wish to become acquainted with the Professor's mode of treating the subject, so soon as they thought it probable that the knowledge thereby gained might avail somewhat in the schools. On the whole, therefore, if the Tutorial system is continued under any form, I think it would be desirable to relax and temper it by devoting some part, however small, of the day to Professorial instruction; by insisting on attendance as a *part* of the compulsory system which is now carried out in respect of Tutors' lectures; and by giving to the Professors in the several branches of knowledge a part in the public examinations, either directly or indirectly, through the appointment of Examiners. The second of these three expedients is applied already, in some degree, by the recent Examination Statutes. An attempt was made also, on the same occasion, to introduce the third, by directing that Professorial Boards should nominate the Examiners, but the provision was unfortunately rejected by Convocation.

Examination by Professors.

Idea of a good Examination.

As to the number of Professors and endowment of Professors, I think that the number in some branches should be increased. The Moral Sciences for instance, or to speak more accurately, the Mental Sciences, are very inadequately represented by a Professor of Moral Philosophy, a Professor of Aristotelian Logic, and a Professor of Poetry. Were these expanded into a Professor of Mental Philosophy, a Professor of Moral Philosophy, and a Professor of Æsthetics, the arrangement would be more satisfactory; and in consideration of the great extent of the History of Philosophy, it would, of course, be desirable to establish a Professorship on this subject, holding a position in some senses analogous to the Professor of Ecclesiastical History. It is deeply to be desired that *all the laws of Nature, mental no less*

New Professorships—Mental Philosophy, Æsthetics, History of Philosophy.

H. H. Vaughan, Esq., M.A.

than physical, should be investigated and taught at Oxford. The University has in her system too much ignored the latter, and she has dealt with the former in an exclusive and timid spirit. I do not mean to assert that this has been done consciously, and I am aware that the recent cultivation of Physical Science has rather led to the impression with many that Mental Science occupies a region too dark for the operations of the human intellect. But I trust that no changes made in our system would be based on such an assumption. Indeed, if means could be found to increase the number of Professorships, it would not do more than meet the wants of the University to establish *two* Professorships of Mental Philosophy, *two* Professorships of the History of Philosophy, and one Professorship of Morals. But I am aware of the difficulty of providing funds, and I think it would be better to establish one Professorship with a sufficient endowment than two with insufficient salaries. There is, perhaps, no subject the *extensiveness* of which more claims consideration than that of "Modern History." History is not a statement of principles so much as of details more or less comprehensive; and for this reason a course of lectures can cover a small part of the whole subject when compared with a course of lectures on any of the sciences. There should, I conceive, be a Professor of English History, and at least two other Professors for the history of the other European nations. Indeed, the subject in point of extent is so vast, that any distribution of it must look like a make-shift. I am inclined to recommend a separation of the treatment of modern history into nations rather than periods, because in this way is secured a more complete unity in the interest, and a greater variety (on the whole) in the phenomena, and it tends to give a wider grasp of the subject.

Professors of English History and other European History.

Endowment of Professorships.

The endowments of the Professorships are inadequate. Lord Bacon's complaints on this subject might be repeated at the present day. The splendid incomes which talent and energy may look forward to in the learned professions, and particularly in the Church, must always operate to draw away from the University many of its ablest men. But this difficulty should not induce us to neglect means for retaining and attracting great faculties to the Professorial chairs. It cannot be right or wise that county court judges, police magistrates, secretaries to railways and public boards should receive for the employment of their time 1,000*l.*, 1,200*l.*, 1,500*l.* per annum, while University Professors are asked to perform duties requiring great knowledge and abilities of a less common description without half the remuneration. I think that there should be secured to a competent Professor such an income as will enable him to marry in his office, and look forward to continuance in it as the work of his life. The University, too, should be in a position to command the services of the most distinguished men in the several sciences, and to hold out to its members the University Professorships as rewards to a career of industry. The Professorship should be a stimulus to the Master, as the Fellowship is to the Undergraduate and Bachelor; and when once appointed, the Professor should feel his position (generally speaking) to be his home and his destiny, so that he may continue to concentrate his interests and exertions upon his subject. The Tutorships in the University at present confer an income, I conclude, of at least 500*l.* per annum on those who hold them in connexion with fellowships. If the Professorships do not range considerably above this, the foundation of Professorships will, in effect, simply add a certain number of University tutors to the present staff of College tutors, and their effect on the University system will amount to very little indeed.

Their value should considerably exceed that of Tutorships.

Sources of their Endowments.

The endowments of Professorships might be derived from three sources,—University funds, Students' fees, College subscriptions. The University, it is said, proposes, at the present moment, to apply monies in the University chest, derived from the Clarendon Press, to the better payment of Professors. These, and similar funds, might be made available hereafter to the same purpose. In addition to this, if the Tutorial system be preserved, and, at the same time somewhat relaxed, in order to give some room for the action of the Professorial, the fees of the students might not unreasonably be diverted, *in part*, into a students' fee fund, which could aid the support of the Professorial staff; and, last of all, the revenues of the Colleges could be called upon to furnish some supplies proportionate to the wealth of each College. I am aware that such a destination of any part of the College property could not have been contemplated by the founder; at least, the College statutes contain no provision of this kind. But I believe that College funds are daily applied in a manner not contemplated by the founder. In many instances, the statutes have enjoined the creation of additional Fellowships, in proportion to the increasing value of College property. Such Fellowships have not been created; and probably it is well that they have not. In some Colleges, probably in most, livings have been purchased out of the savings of the College revenues. In some Colleges, it is said, that money is habitually put aside for the purchase of advowsons. Again, the College money is frequently applied by Colleges to good and charitable purposes not mentioned nor in any way recognised by the statutes. In all such cases the College property is diverted from the application to which its founder has destined it. And perhaps it would not be easy to name any object better calculated to further the general purposes for which the Colleges exist, than the support of those, who, directly and indirectly, are combined with the Colleges in advancing the learning and the instruction of the University. If, therefore, the College revenues are fairly and beneficially applied at present, there can be no injustice or inconvenience in charging them with a contribution to the Professorial system; and if these corporations were warranted by the legislature of the country in devoting some of their funds to such a purpose, the justification of such a proceeding would be complete both in form and substance. Such a course would effectually further the great ends for which the Colleges now exist. It would be warranted by the general principles affecting the relation between the State and such institutions. If it be successfully contended that property so favoured by the laws of the land lies entirely out of the reach of parliamentary enactments, then must all such institutions be permitted, under any circumstances, and throughout all time, to degenerate, first into uselessness, and finally

College Revenues.

Reasons for such appropriation of them.

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into mischief, against which there is no earthly remedy; and the State would be obliged, in true policy, to disallow the foundation of any such public institutions in the first instance. If it be urged that such corporations are not rashly to be remodelled by the State, this must be admitted; but the applicability of such a warning to the case of Colleges, which have existed for centuries, and have become subject to changes such as have already made a great part of their statutes obsolete and impracticable, must be denied. Without entering into the details of an argument on this topic unnecessarily, I venture to express my opinion, that the property of Colleges in some way might be reasonably and beneficially charged in proportion to its amount with a contribution to the maintenance of a Professorial staff. A system of superannuation at a certain age, or after a certain number of years passed in active service, would be reasonable.

Superannuation.

Question 9. For the appointment of Professors a different system might be advantageously adopted in respect of different Professorships. They might, for instance, be divided under this point of view, into three classes. The one should be appointed by the Crown, and the Professors so elected should be entitled Regius Professors. I believe that no one would desire to exclude the responsible adviser of the Crown from the discharge of this trust. The second class of Professors I would propose to appoint in the following manner:—In respect to these, the Legislative Board, of which I have given a sketch, might be brought into action in the following way:—It is assumed here that such an assembly consists of all the Professors. These might be divided into several boards, called Faculties, and entitled respectively, the Theological, Historical, Physical, Mathematical, Moral or Mental. Within these several faculties would be included all the Professors connected with such departments. The faculty of History, for instance, would consist of the Professors of Modern History, Ancient History, Political Economy, &c. The faculty of Moral or Mental Science would comprise the Professors of Moral Philosophy, Mental Philosophy, Poetry, Æsthetics, &c. With the several Professors so constituting these faculties respectively, might be associated, if it were thought well, one Head of a House, and one Regent-master, selected on a principle of rotation. One third, therefore, of the Professorships in the University might be elected by that faculty in the congregation (associated to a Head of House and Master), to which the vacant Professorship belonged. Thus, for instance, the Professorship of Mineralogy might be appointed to by the votes of the Physical Faculty, composed of the Professors of Physiology, Anatomy, Geology, Chemistry, Mineralogy, &c. The remaining third part of the Professorships should be reserved to the election of Convocation in the usual way. The Professors so elected should be entitled respectively, "Regius Professor," "Faculty Professor," and "Masters' Professor;" and this title should be expressed in all their notices and University Acts. I propose these several methods of appointment; First, because I think that some variety in the mode of election may tend to secure the independence of the University; Secondly, because it may tend to sustain a spirit of emulation in the choice of good Professors; Thirdly, because there are some distinct advantages in each method recommended; and, Fourthly, because such a system will not seriously infringe on the habitual privileges of the several ranks in the University. The Prime Minister sustains a weight of public responsibility such as must, in general, place the temptation to do his duty above all others. The Faculties must be supposed to have the best knowledge of the person fit for a vacant professorship, and in this respect they would satisfy a condition in which the ministerial appointment would be most liable to fail, *i. e.* personal knowledge of the attainments of candidates; and they may be supposed to have at heart the general credit and success of their department in the University. In the case, therefore, of election by the Faculty, three conditions would be secured, all of which would serve as guarantees for the excellence of the appointments: knowledge of the merits and the character of the candidates; interest in the subject, and its successful prosecution in the University; and a sense of personal responsibility. This last ingredient it is of great importance to preserve, and it appears impossible to secure its existence except by intrusting the election to a single person, or to a few persons who will consider themselves, and will be regarded by others, as morally accountable to public opinion and to their own consciences for the success and propriety of the election. Any method of appointment which approaches in its nature to a popular election must be objectionable from the practical irresponsibility of the individuals who vote. Convocation is already in possession of some appointments, and perhaps it would be difficult and unnecessary to suppress altogether this method of election.

Appointment of Professors.

The Crown.

The Faculties.

No limitation or disqualification which occurs to my mind can be other than an evil in the appointment of professors, and the existing limitations as to previous service for five years, celibacy, connexion with particular Colleges, &c., go far to make the existing foundations useless to which they are annexed; and whatever may be recommended by Her Majesty's Commissioners as to the better endowment of Professorships, it would seem quite unadvisable to accumulate higher salaries upon such existing foundations as are burdened by restrictions of this nature.

Limitations on Professorships.

Question 10.—I think that all Fellowships should be absolutely open, without any restriction as to birthplace or profession; it cannot be doubted, also, but that the confinements of particular schools to particular College Fellowships must operate unfavourably upon the general education of the country. As to birthplace, the relation of particular localities to the country generally is utterly different from what it was when most of the Colleges were founded, and when the habits and feelings of different provinces were sufficiently dissimilar to foster a state of actual hostility between the men of the northern and southern counties. With our facilities, too, for locomotion, not only has the place of birth ceased to be any such tie upon the individual in after-life as it formerly was, but it has ceased even to found a strong presumption that the individual born there is connected by relationship with the families of the neighbourhood. There can of course be no question that Fellowships appropriated to pro-

Restrictions on Fellowships.

Reasons for removing them.

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vinces are in a far less degree encouragements to a high standard of education than open Fellowships; and here I crave permission to observe, generally, that the allotment of the Fellowships most deeply affects the well being of the Universities; they are the centres of the whole academical system, they act upon all parts of the University at once—Undergraduates, Bachelors, Masters, and Heads of Houses—on all who study, all who teach, and all who at present govern. They are the rewards to which the Undergraduates and Bachelors look, and for which they labour; they support the Resident Masters and Tutors, and therefore provide the instruction; as through the Heads of Houses who are elected from the Fellows, they determine the discipline and government. I feel strongly impressed with the conviction that their utility may be *much* extended by opening them to merit, and by opening them to all kinds of merit, *irrespective of birthplace and profession, and so as not to favour one class of studies only.* As to the Professional restrictions, in many of the Colleges, I believe in most, laymen are not permitted to hold the Fellowships permanently. This has been an evil, and will be a greater one if the birthplace restriction is removed, and at the same time the clerical restriction is retained. It has already prevented laymen who may have distinguished themselves in their academical career, from obtaining the due reward for their industry; it has prevented some from devoting themselves to literary and scientific pursuits, who may have had a real call to such occupations, without feeling any such call to "preach the gospel" as ordination pre-supposes. It has exposed the University to the shock and disturbance of all ecclesiastical agitation, by reason of the so *exclusive* predominance of this one profession, so that the studies have been arrested, and the qualifications of men for high academical offices and duties altogether misjudged in consequence of the struggles for ascendancy for particular parties in the Church. It was notorious on one occasion, that the chair of political economy was *assigned* to a gentleman by a religious party, in consequence of his supposed orthodoxy, on a purely ecclesiastical question, and their countenance and support was again withdrawn from him on account of a supposed heterodoxy on another religious point. The Professorship of poetry was contested on religious grounds, by two parties in the Church; the election of the Vice Chancellor was interfered with and embarrassed, and the University much agitated in consequence, by a religious party who wished to signify their disapproval of the conduct of the Hebdomadal Board. In fact, the entire devotion of our institutions to the Clerical Profession has been in many points of view disadvantageous. I should regret to see any other profession substituted in its place; I think we are far better with an University of clergymen than with one of lawyers or soldiers; but the exclusive prevalence of this order has, I think, in addition to the evils above mentioned, produced even a jealousy and fear of certain sciences which the members of a University ought to encourage. The inconvenience resulting from this arrangement has not always been through the distinct opinions and prejudices of individuals, so much as through the general tendencies of the whole body so composed; and it must be recollected that the relation of the clergy to learning, literature, science, the arts and professions, is utterly different from what it was in former days. I think, therefore, that the restriction which confines Fellowship and the benefits of Fellowship to clerks in holy orders ought to be very largely relaxed; and I think, moreover, that the Fellowships should be opened practically to merit in all branches of learning which the University system now recognizes. At present they are practically devoted to the literæ humaniores; the examination at most colleges is traditional, and the only merit recognized in the award of Fellowships is classical knowledge and taste, and the power of dealing with moral and historical questions—departments of prime importance and great value, but no longer deserving exclusive ascendancy. When a mathematical tutor is wanted in the College, an exception is commonly made in the principle of election, but as a general rule, even mathematical attainments are disregarded in the choice of Fellows, and the consequence has been that in spite of distinctions, classes, and scholarships, the study of mathematics still languishes. The number of candidates for honours does not increase; the reason is not doubtful, mathematics in Oxford are a bad investment for intellectual, physical, and pecuniary capital. The Fellowships are the first substantial return for all the money and toil and self-denial involved in an intellectual education. The prospect of a Fellowship closes the vista, it leads the eye, and *directs* the energies as well as animates them. On this account, notwithstanding all the honorary and titular encouragements given to mathematics, they are practically discouraged. This consideration is *one of vast importance in its bearing on the recent extension of University studies.* If it be seriously desired and intended to give vitality to new studies, we must operate upon the Fellowships for this purpose. If the course of things is left to itself the traditional system of election will probably prevail in the Colleges. The examinations will embrace the old topics; the new either will not be admitted, or, if introduced, will but lightly or occasionally affect the election. Thus under a system nominally comprehensive we may find our actual course as narrow as ever in its range, and perhaps even less energetic than before. For if the Fellowships be opened to merit, and this merit consist in the classical proficiency of persons destined to holy orders alone, the standard of excellence will fall, even in classical subjects, lower than at present. Let us suppose thirty Fellowships vacant every year in the University: under this system every second class man in classics might be sanguine of obtaining one. In lieu of the few Fellowships now open to competition and stimulating to great exertions the numbers will be largely multiplied, and the pressure of motive to exertion be proportionately lowered. I do not mean to state that an encouragement to mediocrity has not its advantages: it is better to be in the middle than at the bottom, to be indifferently good than bad. But I think that those who seriously consult the improvements of our institutions cannot be content with such; I would propose, therefore, *that a certain number of Fellowships in each College should be specifically devoted to certain branches of learning.* This arrangement, I believe, and this alone, will secure the cultivation of all valuable knowledge—classical, historical, theological, philosophical, mathematical, and physical. I do

The vital importance of this.

Fellowships should be open to various merit,

and to Laymen.

Cause of the decline of Mathematical study.

Fellowships must be open to those who obtain distinction in the new Studies.

In each College a certain number to certain branches of knowledge.

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not suggest that all the Fellowships in each College should thus be assigned to specific studies; some should be left free to the tastes of the Fellows and the particular needs of the College to determine: this would give freedom and elasticity to the system. The best men in each department would of course compete in those Colleges in which the Fellowships are most valuable; and for this reason, amongst others, it is not to be regretted that College Fellowships are not of equal value. Of course these Fellowships should be awarded solely to intellectual merit, on the condition that the ordinary testimonials for good behaviour are produced. I venture to submit it also to the discretion of Her Majesty's Commissioners to consider whether, in the case of these Fellowships, an appeal should not lie to the faculty connected with the subject of examinations, as to the propriety of the examination, or the justice of the decision. The certificate of the Board of Appeal might be given in favour of the appellant only in very decided and clear cases, and might have the effect of altering or annulling the election. This destination of many Fellowships to particular subjects, I repeat, appears almost necessary to the encouragement of great exertions in the old studies no less than in the new; and I have suggested an appeal only because otherwise the success of the experiment could not be absolutely *secured*. Let it not be supposed that the principle of such an arrangement is an entire departure from the principle on which the Fellowships were founded; on the contrary, it is a return to a system from which the Colleges have gradually swerved. Two things are observable in the foundation of College Fellowships. The first is, that they were instituted very commonly to promote the study of particular sciences. In Oriel College these sciences were theology and civil law. Some fellowships were assigned to one study, and a fixed number in the same way were devoted to the other. The second point to be observed is, that the sciences so selected for exclusive cultivation of the Fellows elected to them were the *sciences of the age*. When the study of the civil law came into existence the collegiate foundations straightway adopted it, and in consequence we find the older Colleges of Oxford endowed with Fellowships of this description. On the revival of learning again, when the classics were becoming an object of interest, investigation, and instruction, we find that Fellowships were established for the express purpose of cultivating and diffusing the knowledge of Greek and Latin. Such are the foundations at Corpus and Trinity. Therefore, in devoting some Fellowships to specific studies, and including amongst them the mathematics and the mental and physical philosophy of recent centuries, we should not merely amend the practice of our institutions wisely, but amend them also in the very spirit of their original creation.

Appeal in case of elections by favour.

Principle on which Fellowships were founded.

Question 13.—I believe that the Colleges under their present Tutorial organisation are not capable of giving due instruction on the various subjects of examination to the Undergraduates within their walls. The recent extension of the University studies precludes any doubt on this subject. It is out of the question that a small College should furnish tutors capable of teaching effectually all the physical sciences, mathematics, theology, history, ancient and modern law, philology, morals, and metaphysics. These subjects could not be beneficially concentrated within the grasp of one, or perhaps two, tutors charged with the duty of giving instruction in all of them. The Tutorial system of instruction must, therefore, be either abated or modified. It may be abated in two ways. The Head of the College should, as now he does, appoint the tutors whose chief or only duty it would be to give general superintendence to the pupil. This important diminution of Tutorial duties would, of course, diminish the necessary number of tutors in each College, and the proportionate amounts of tuition fees. In many Colleges the head of the College and the dean would be sufficient to manage the discipline and superintend the progress of the Undergraduates. The members of the College might, therefore, resort to private tuition or to the University Professors, or to both, to obtain instruction. And the University examinations, superintended in a certain degree by Professors, added to the University requirement of a certain amount of attendance on the University Professors, might be sufficient to secure a reasonable quantity of Professorial instruction. The true way of suppressing *bad private* tuition is by instituting a good system of examination, such as will test the value, amount, and digestion of the knowledge communicated. If the masters under such conditions, and Fellows should give *good private* tuition, the only care of the University would be that it should be communicated on reasonable terms—an achievement requiring much delicacy of management.

Inadequacy of the present Tutorial Instruction.

Private Tuition.

On the other hand the Tutorial system of instruction might be retained *and modified* in the following manner:—In each College a certain number of tutors could be appointed; these tutors should be nominated, as now they are, by the Heads of the House, and they might teach some one subject respectively. *It should be permitted to the Undergraduate to select his own tutor*, whose duty it would be to instruct him in his particular subject, and to aid him in procuring instruction on other subjects, either in College or out of College, in the following manner:—It might be permitted to any tutor so appointed, to teach *any Undergraduates* of any College in the University who might wish to resort to him. In this way the tutor of one College might obtain instruction for his pupil in any subject from the tutor of another or the same College; and every tutor would give instruction to the pupils of other tutors in the University, if they should wish to have recourse to him. A system of reciprocity would thus spring up between tutor and tutor throughout the University, as it now operates in each particular College. The larger sphere of choice would tend to make the teaching far more efficient than it can be expected to be, so long as the selection is confined within College walls. The tuition-fees should be paid, in part at least, to the tutor instructing. The College tutor might also be paid, either entirely by fees from the College pupil, or in part by a salary. Thus would a College tutor perform two classes of duty, the one as a general superintendent of College pupils, the other as a special teacher of his College pupils, and of all others who might choose to have recourse to him. It would, in consequence, become the tutor's ambition and his interest to form a connexion of reciprocity with the ablest tutors in the University, because he

Proposed mode of reorganization.

Salaries of College Tutors. Office of Tutor under the proposed changes.

H. H. Vaughan, Esq., M.A.

To teach all who come to him voluntarily, and none other.

would be resorted to as a College tutor, in proportion to the efficiency of those whom he might recommend. And it would be his desire to teach his own subject efficiently, partly because the number of his College pupils would depend directly upon the character of his teaching, and partly because he could not obtain the recommendation of first-rate tutors unless he should give them good support in return, by efficiently instructing those sent to him. In making this suggestion, which I feel confident would furnish a great improvement on the *present* system, I cannot fail to perceive how much any arrangement of this sort may be robbed of its good effects by combinations and mutual understandings. It would be essential I think to the success of the scheme, that Undergraduates might belong to Colleges without a residence therein, and that the Undergraduate should select his own tutor. Partly for the reasons which I have just given, and partly for other reasons already offered in a former part of my answers, I do not think that the action of the regular Professorial system could be dispensed with. This might be sustained as before-mentioned, by Professorial superintendence of examinations, and compulsory attendance on Professorial lectures. But I would again repeat that the *examinations* and examiners for the degrees, honours, and Fellowships, have to a very great degree the learning and teaching under their control.

February 10, 1851. HENRY HALFORD VAUGHAN.

Rev. W. Hayward Cox, B.D.

Answers from the Rev. W. Hayward Cox, B.D., late Fellow of Queen's College, and formerly Vice-Principal of St. Mary's Hall, Oxford.

My Lord and Gentlemen,

I have the honour to acknowledge the receipt of your Circular, dated November 18, 1850, and to transmit the enclosed replies to the questions contained in it.

I remain,
My Lord and Gentlemen,
Your obedient, faithful servant,
W. HAYWARD COX, B.D.,
of Queen's College.

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1. The possibility of diminishing the ordinary expenses of an University education, and restraining extravagant habits.
2. The sufficiency of the powers which the authorities possess to enforce discipline.

Expenses.

With respect to the ordinary expenses of an University education, I would distinguish between those which are included under the head of College charges, such as spring from the insufficiency of the provision existing in Colleges for the direction of University studies, and those which arise out of the social position of undergraduate students. Under the *first* head, I am not of opinion that any considerable reduction can be made. In a few cases, especially in Halls, the buttery charges are too high, and the fees to College servants require revision; but in many Colleges so much has been already done to limit these expenses, that no economy which may be applied can have the effect of reducing undergraduate expenditure to a much lower figure, as far as Collegiate charges are concerned. With reference to the second description of expenses, the unavoidably defective character of the instruction given in Colleges, both in kind and in extent, entails a necessity on the majority of students, of having recourse to a costly system of private tuition, the charge for which is equal, on an average of cases, to the sum (ranging between 12*l.* and 20*l.* annually) which they pay to the College tutor.

The third class of expenses, those which arise out of the social position of an undergraduate, constitutes by far the largest portion of his ordinary outlay. They arise partly from the number of youths of rank and fortune who resort to the University for education, and who lead others, by the contagion of example, to affect a mode of dress and living to which their family resources are wholly unequal. This evil is aggravated by intimacies, promoted by the system of residence within College walls, unaccompanied by those checks which such a system might supply, were mere authoritative rule relaxed, and more sympathetic relations established between the fluctuating mass of undergraduates and the older fixed residents.

3. The power of the University to make, repeal, or alter statutes.

The Laudian Code.

On the subject of the power of the University to make, repeal, or alter statutes, I would refer Her Majesty's Commissioners to the opinion of Lord Campbell, Dr. Lushington, and Mr. W. W. Hull, on the illegality of the statute passed in Convocation, May 5, 1836, bearing date the 17th December of the same year, from which it would appear that "The University possesses such power of making, altering, or repealing statutes as is conferred by the statutes themselves;" "and further, such power as existed by usage prior to 1636" (the date of the Laudian code) "of making and altering statutes, not inconsistent with, or contrary to, the charter of 1636." The opinion further states that the statutes of 1636 contain no general repealing power, and only "reserve the accustomed one of making new statutes, under certain restrictions," the principal of which is, that no new enactments shall abrogate or counteract those of the charter itself.

Opinion of Lord Campbell and others.

The Constitution.

4. The mode of appointing the Vice-Chancellor and Proctors.
5. The government of the University and its relation to the Colleges, as finally established by the statutes of Archbishop Laud.

[Rev. W. Hayward Cox, B.D.

The statutes of Archbishop Laud (which appear to have only finally established the constitution of the University previously existing, and which dates from the Earl of Leicester's ordinances in 1569), present, as their leading feature, the absorption of all real power by the Colleges. In virtue of them, the entire government of the University practically resides in the Board of Heads of Colleges and Halls, with the addition of the two Proctors. The effect is, that the entire discipline and system of instruction is placed under the control of a body of men mainly selected with exclusive reference to the interests and objects of the societies to which they belong, and without regard to the requirements of the University at large. Hence it is obvious that it is but accidentally, and in the degree in which those interests and objects are identical with those of the University in general, that any peculiar fitness for academical government can exist on the part of the elected. I have known, for example, more than one instance of a Head of a College, selected by way of a convenient compromise between rival tutors; one case, where the election is supposed to have rested on the ground of mere financial talent; another, in which a candidate who had retired from academical life to the duties of a country parish, was invited to terminate a contest between resident aspirants to the Headship; another deriving his appointment from the exercise of aristocratic influence with the party in whom the choice resided. In a more recent instance, the election resulted, it is believed, from the struggles of parties, with whom strong ecclesiastical feelings prevailed over all other considerations, and such a case is likely to be of frequent occurrence. In no one case do I believe that the question of fitness for *University* government has ever even occurred to the mind of a single elector. It will scarcely be deemed invidious, if in illustration of what appears to me to be the necessary consequence of the principle, I observe that, *proportionably to their numbers*, the Heads of unincorporated societies, having seats at the Hebdomadal Board, exhibit a greater amount of practical talent, aptitude for business, and academical reputation, than those who sit there as representing Collegiate bodies. The former deriving their appointment (with one exception) from the Chancellor of the University, may indeed sometimes owe their selection to partial considerations on the part of the patron, but at least exhibit the effects of a choice emancipated from the control of College interests.

Hebdomadal Board.

To the mode of appointing the Vice-Chancellor I can offer no other objection than that which attaches to the defective constitution of the body from which he is, almost of necessity, selected. That of the *Proctors* I conceive to be highly objectionable; injurious to discipline, and by reason of the patronage exercised by those officers under the present statutes, injurious also to the educational interests of the University, as occasioning the selection of Public Examiners, Masters of the Schools, and other similar functionaries, chiefly in deference to the particular Collegiate body with which they are connected. The Proctors are besides constituted by the statutes, and under the provisions of Founders' wills, judges (jointly with other University officers) of the compositions sent in for the University prose and verse prizes; and being nominated from year to year according to a cycle of Colleges, and chosen from considerations of seniority below a certain standing, independently of academical distinction, experience, or reputed talent, cannot in the nature of things, be generally fitted for the exercise of such powers as are vested in their office by statutes and Founders' wills. They are besides, from the circumstance of their being frequently non-resident during the period which precedes their year of office, unacquainted with the manners and habits of the youth of the University, and the peculiar dangers to be guarded against as regards morals. The fact also that both the Proctors, and their four pro-Proctors are new to their office each year, is prejudicial to discipline. Their intellectual incompetency, under the present mode of appointment, is at once made patent by the fact, that not a moiety of the Proctors nominated during the last quarter of a century have been marked by any academical distinction whatever. Even as regards the distribution of power and influence among the Colleges themselves, the existing cycle, of which the principle is matter of controversy, is unjust. Worcester College having no place in the cycle, as having been incorporated since the reign of Charles the First; University, Balliol, and Pembroke Colleges, having a nomination once only in twenty-three years; while Christ Church, Magdalen, and Wadham Colleges, enjoy nominations every 4, 8, and 9 years respectively. The unincorporated societies are absolutely excluded from the cycle. I would submit to Her Majesty's Commissioners the expediency of adopting, as a remedy of the evils on which I have remarked, the incorporation of the Professorial body with the present Heads of Colleges and Halls, in the government of the University, and a limitation of eligibility to Headships (whether of incorporated or unincorporated societies) to persons who have successfully filled the offices of *University* Tutors or Professors, for a certain period. I do not conceive that any such interference with the rights hitherto exercised by Societies, or by the Chancellor of the University, could be fairly objected to, if viewed in connection with the influence which, in the nature of things, will still be exerted by Collegiate bodies over the general action of the University. I would exclude the Proctors altogether from the Hebdomadal Board, render them permanent officers for a period of years, devolve their appointment on the governing body of the University, and limit their functions to the task of maintaining discipline, and assisting the Vice-Chancellor in the despatch of University business. Under this head, I should perhaps add, that unless the composition of the University Convocation underwent extensive revision, it is indispensable that the election of Professors, Law Scholars, and others, now vested in it, should be transferred to such a governing body as I have suggested. Of elections in Convocation, it may be said, that even where the result has been to secure the appointment of the best candidate to such chairs as those of Logic, Political Economy, or Poetical Criticism, the election has in point of fact generally turned upon considerations wholly irrespective of those of fitness for the office.

Appointment of Vice-Chancellor and Proctors.

Proposed Board of Heads and Professors.

Elections by Convocation.

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University Extension.

6. The means of extending the benefits of the University to a larger number of Students.

(1.) By the establishment of new Halls, whether as independent societies, or in connexion with Colleges.

(2.) By permitting Undergraduates to lodge in private houses more so than at present.

(3.) By allowing Students to become members of the University, and to be educated in Oxford under due superintendence; but without subjecting them to the expenses incident to connexion with a College or Hall.

(4.) By admitting persons to Professorial lectures, and authorizing the Professors to grant certificates of attendance, without requiring any further connexion with the University.

New Halls, mischievous.

Of the means alluded to by Her Majesty's Commissioners for extending the University, the *first*-named appears to me to be wholly undesirable, whether the new Halls referred to existed "as independent societies," or, more objectionably still, "in connection with the Colleges." The latter would involve an aggravation of the evils recognized as attaching to the College monopoly, while it introduced additional social distinctions of an invidious character, such as are exemplified at Christ Church, Magdalen, All Souls, and New Colleges; in the line drawn between student, chaplain, and servitor, at Christ Church; and between fellow and chaplain in the latter societies. Independent Halls (I confine the term to institutions of a permanent character) would, on the other hand, perpetuate and extend the defects attaching to the present five unincorporated societies; none of which, either on the score of economy or intellectual advantage, can compete with the collegiate system, even in its present faulty state.

It is probably to the superiority of the collegiate system that the decline of the Halls in number and importance is mainly attributable. The monopolizing spirit of endowed societies could scarcely have succeeded so entirely against the Aularians, had not Colleges, coincidently with successive enlargements of their buildings, according to the provisions of the Laudian code, found the means of extending the tuition provided for endowed scholars to numbers of independent students, who received partial benefit from the foundation with which they were thus connected. My own experience, as Vice-Principal of St. Mary Hall during twelve years, leads me to estimate the necessary expenses of an undergraduate at a Hall as 25 per cent. above the average of those at a College, taking the caution deposit, fees at entrance, and the aggregate of fees paid to the Principal, Vice-Principal, tutors, manciple, cook, porter, and servants generally, together with the charge for room-rent in the Hall, and the corresponding fees in the Colleges. I conceive that the effect of *new* independent Halls must be to present all these economical drawbacks, together with an increased expenditure, proportionate to the interest on the outlay of capital on a site, and on the erection of buildings, except in cases in which private munificence might intervene to relieve the pressure. And, supposing the present system of collegiate tuition was retained unmodified (a thing much to be deprecated), all the evils which arise from a violation of the principle of division of labour, such as mediocrity in instruction, and a limited range of subjects taught, would exist in a three-fold degree in Halls of ordinary size. But I insist the less on this point, because I am disposed to urge strenuously on the Commissioners the expediency, if not of a total abolition, or at least a very extensive modification of the collegiate system of tuition itself, which at present exhibits, though in a less aggravated form, all the defects of an Aularian one; and should the *University* system of tuition be restored, Halls would in this respect cease to labour under any peculiar disadvantages as compared with Colleges. I may here remark, in passing, that, viewed historically, the decline of learning in the University is co-existent with the absorption of the University by Halls and Colleges, as the latter gradually took the whole public teaching of the University into their own hands.

Lodging in private houses, as now permitted, mischievous,

I address myself to the three other expedients enumerated by the Commissioners, as possible means of extending the benefits of University education. I would not sanction the practice of lodging in private houses on the part of students attached to any College or Hall; my experience leading me to believe that, while the collegiate system is defective as regards the moral superintendence even of those students who reside within the walls, opportunities, amounting to absolute license, are afforded to those who lodge beyond the College walls, aggravating these defects, by facilitating indulgence in extravagance and dissipated habits, beyond the power of the collegiate authorities to remedy, or even to check. I speak very decidedly on this point, from intimate knowledge of the mischief which constantly arises from the practice in its present limited form. In the case of freshmen, it would be absolutely ruinous. I know it to have been so in cases where young men, recently from school, have been placed in lodgings during *the day*, though they slept within the precincts of the College of which they were members. But these objections do not attach to the *third* suggestion of the Commissioners, which appears to me to be perfectly unexceptionable. Under "due superintendence," whether it be that of a parent, a guardian, a relation, or a tutor, every conceivable advantage might be realized; economy, religious training, moral influence, and the selection of the best intellectual instructors which the University at large could supply. I am inclined to think, even, that the juxtaposition to the Colleges of such a system would result in the introduction into the latter of many expedients for improving the relations which exist (or, rather, introducing new ones) between the senior members of the foundation and the undergraduates, stimulating collegiate bodies to a realization of those ties between the older and younger elements, which are now so rarely found as to render the notion of domestic superintendence in Colleges a simple delusion.

but under due superintendence advisable.

"The admission of persons to Professorial lectures without further connection with the University" would, I think, be but a reasonable concession to parties resident in private houses in the city of Oxford or its neighbourhood; and it would, partially at least, operate

towards extending the intellectual, moral, and social influence of the University in the country at large, among those classes whose commercial or professional destinations excluded them from the opportunity of going through the whole course of study necessary to attain the honour of a degree. The arrangement would, further, facilitate the restoration of the University to its position as a theological school. Bishops, also, might be induced to ordain, to admit to the class of scripture readers, or of *sub-deacons* (as suggested in a valuable letter to Lord Ashley by *Amicus*, published, in 1850, at Hatchard's), such persons as might have passed a two-years' course of theological study, with the privilege of coincidently attending Professorial and other University lectures in positive science, moral philosophy, and even classical literature. In connection with this subject, I would submit to the consideration of Her Majesty's Commissioners the expediency of conferring the B.A. degree, at the end of three years, on candidates who had passed the *first University examination*, and brought certificates of having attended so many courses of Professorial lectures, theological, or on general subjects; reserving the M.A. degree for such as had fulfilled the conditions specified in my reply to Question 7.

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Admission of strangers to Professorial Lectures advisable.

7. The expediency of an examination previous to matriculation, of diminishing the length of time required for the first degree, of rendering the higher degrees tests of merit, and of so regulating the studies of the University as to render them at some period of the course more directly subservient to the future pursuits of the Student.

"An examination previous to matriculation" would have the following effects:— MATRICULATION EXAMINATION.

1st. A correction of the serious evils which arise from unqualified persons in the country undertaking the office of schoolmasters and private tutors, by affording a public test of the competency of those who are so engaged to give the necessary preparative education.

2nd. By, from time to time, sending back into the provinces those candidates who were found to be insufficiently prepared with knowledge of an elementary character, it would release the University course of instruction from the pressure arising out of the number of students who flock to Oxford, ignorant of all but the very rudiments of classical and other learning. No one who has given or attended a College lecture-class can help appreciating the impediments thus presented to the usefulness of the lectures, or the discouraging effects of the presence of illiterate students on the more advanced members of the class.

3rd. A saving to the funds of such persons, and ultimately, as a consequence, a considerable accession to the number of residents (by means of the economy thus introduced at the commencement of their academical career) of a class which is now deterred from entering on a University course of education by the expenses of the early part of it, incident to their want of previous preparation. I would here remark that, indirectly, this would again contribute to the increase of well-qualified schoolmasters and tutors in the provinces. It is, however, matter of question, whether the provisions of a recently-passed statute, for placing the responsions' examination at the commencement of the third or fifth term, will not sufficiently secure most of the advantages of an examination at matriculation.

With respect to "diminishing the time required for the first degree," I have partly anticipated the suggestions in my reply to the *sixth* question of the Commissioners. It is, further, my impression, founded on the experience of a quarter of a century, that a great portion of the extravagance, indolence, and ignorance, which prevail among students, is traceable to the insufficient occupation absolutely imposed on candidates for degrees during the three and a-half years of necessary residence. That such a protracted period is not, in point of fact, essential, is recognized by the privilege conceded to the nobility, and the eldest sons of baronets, &c., of proceeding to their degrees at the commencement of the twelfth term from their matriculation; and I have no hesitation in recommending to Her Majesty's Commissioners the abolition of this privilege, by rendering it common to all candidates for *ordinary* degrees. I believe that at University and other Colleges which are under an improved administration, it has even been found practicable to send successful aspirants to the highest academical *honours* into the schools at the same period; and the abolition of *grace* (or non-resident) terms might be considered in connection with a scheme for compressing the studies required for the first degree within three years, dating from the day of matriculation.

Diminution of time required for the first Degree.

As to "making the higher degrees tests of merit," it occurs to me as desirable that the degree of 'Master in Arts,' should be confined to those who have taken honours in some one branch at the *second University examination*. I knew recently an instance of a graduate of the University who almost uniformly attended Convocation in the case of elections and legislation of an important character, having been five times rejected at the public Responsions and Degree examinations, and having ultimately taken a common degree with great difficulty. Such persons should obviously be excluded from the University franchise, and from all power of neutralizing, by their votes, the deliberate judgment of able, intelligent, and experienced graduates. I am not convinced of the practicability of rendering the University a school of *medicine*, although a Board of Examiners, authorized by the University, may profitably maintain the connection existing between it and the members of the medical profession; and many studies, useful as preliminary to those which are more strictly professional (I refer to Classical Philology, Logic, Psychology, Mineralogy, Physics, Chemistry, and Botany), will doubtless be encouraged under the new Examination Statute. I would, however, confine *degrees in law* to those who had passed *in honours* in the school of Modern History, Economy, and Jurisprudence. Most examining chaplains of Bishops will probably concur with me that, at present, theological study at Oxford is at a very low ebb; and that candidates for ordination (both from Oxford and Cambridge) are less prepared, in the department of Exegetical Theology more especially, than those who have gone through the Divinity course at King's College in the London University. I would recommend, therefore, that some supplementary measures should be introduced for giving vitality to a statute, passed in 1842, for the estab-

HIGHER DEGREES.

Arts.

Medicine.

Law.

Theology.

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lishment of a Theological Board and the examination of Divinity candidates. None should be admitted to degrees in Theology who had not passed such examination with a mark of distinction. It would, of course, be necessary to authorize undergraduates to attend the classes of the Theological Professors immediately after the Responsions' examination, and not, as now, to be excluded from them until they had passed that for degrees; the effect of which has been to render the statute so completely a dead letter, that its existence is not noticed in the University calendar, and is unknown to the majority of graduates. The operation of the suggested provision would be, to encourage a higher standard of theological attainment generally, but especially on the part of members of foundations compelled by their founders' statutes to proceed to theological degrees (unless, indeed, in the revision of College statutes, it was thought desirable to abrogate that provision). In the latter respect, it would result in a beneficial action of *University* upon *collegiate* regulations.

8. The expediency of combining the Professorial with the Tutorial system, of rendering the Professorial foundations more available for the instruction of Undergraduates generally, of increasing the number and endowments of Professorships, and of providing retiring pensions for Professors.

9. The most eligible mode of appointing Professors, and the effect of existing limitations or disqualifications upon the appointment of Professors.

Professorial system. Its combination with the Tutorial system.

I am favourable to a partial *combination* of the Professorial with the Tutorial system. In general, that of Professors, Prælectors, and Readers, may have been in a degree superseded by the art of printing, the multiplication of books, &c., though not of course as regards experimental lectures; but I am still of opinion, that as a means of directing study, and for the discussion of principles, Professorial teaching should combine with catechetical, in a much larger proportion than is at present the case. And, extending the term Professorial to *University* catechetical lectures, as distinct from *collegiate* tuition of the same kind, I am an advocate for a large and comprehensive measure superseding collegiate tuition (which has usurped a province for which it is unfitted) wholly, or for the most part. With this qualification and explanation, I would recommend a great increase in the number and endowment of Professorships, corresponding to the Ordinary and Extraordinary Chairs of foreign Universities,* the increase and number being co-extensive with the wants of the whole University. Every student should be at liberty, under the sanction of Parents, Guardians, and the Heads of his Society, to resort to the catechetical lectures of Professors beyond the precincts of his College, Hall, or private abode, by which provision the principle of "division of labour" (now almost wholly disregarded) would be applied to secure the following advantages:—

1st. A higher standard of attainment on the part of the Lecturer.
2nd. A more intense application to the duties of a Lecturer.
3rd. Greater tact in instruction.
4th. A better classification of pupils in various subjects than is practicable under the Collegiate system.
5th. More emulation among teachers.
6th. Obtaining the judgment of the University at large, as to the persons who shall enjoy the emoluments arising from the profession of a teacher.
7th. A public test of the qualifications of candidates for the more dignified chairs, corresponding to those of the *Ordinary* Professors already referred to in continental Universities.

Endowments of Professors.

Endowments for the principal Chairs in each branch of science and literature, and for the *partial* endowments of inferior Chairs, might be derived from the profits of the University Press, now directed improperly, as I think, to public objects in many cases unconnected with the University, and from throwing open to the University those Lectureships endowed with Fellowships in particular Colleges, which are now held as sinecures, or whose usefulness is limited to Undergraduates on the books of those societies. The expense of University catechetical lectures would be more than met,—first, by the abolition of collegiate tutorial fees as at present levied; the present College tutors (at least such of them as are competent) being at once indemnified for the loss of their exclusive sources of income by the accession of pupils from the University at large. Secondly, by the large funds saved through an extensive reduction of the payment to those *private* tutors, who are now at once the glory and the shame of our University, the main source of its present learning, and the abundant evidence of the defectiveness of our public educational system.

Mode of appointment.

As "to the most eligible mode of appointing Professors," I have alluded to it in my reply to the preceding question. No one should be eligible who had not lectured with success as a catechetical teacher in the University for a certain number of years, such success being measured jointly by the academical distinction of his pupils, and (to a certain extent) by their numbers. With this proviso, it would be of comparatively little moment with whom rested the selection of occupants of the higher Chairs; but my experience of the effects of party in University elections, whether vested in Convocation, in Select Boards, or in single officers, who are too much under the control of the dominant party feeling prevalent at each period, would induce me to look to some functionary appointed by the Crown, and responsible to public opinion, with a *veto*, in the case of Theological Professorships, to the Archbishops jointly of the provinces of Canterbury and York.

* I should state that though the extraordinary Professors to whom I allude have no fixed salary, they not uncommonly receive yearly grants from the Minister of Public Instruction, and therefore do not practically differ from the higher Professors.

10. The effects of the existing limitations in the election of Fellowships, and in their tenure.

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I believe that the *reasons* for the existing limitations of Fellowships to counties and dioceses have generally ceased to have weight: their *effects* are undoubtedly the reverse of those contemplated by the founders, whether the advancement of learning or of piety be understood to have been their object. They crowd the Colleges with inferior men, often without either the power or the inclination to promote the interests of education, withdraw many who might be useful from their appropriate spheres, hold out incentives to indolence, selfishness, and self-indulgence, and engage persons in the work of instruction who are without zeal in the pursuit, adopting it simply as a means supplied to them by their collegiate position of enhancing their income temporarily, until they succeed by rotation to those parochial duties and emoluments, which are the ultimate objects of far the greater number. The further limitation of Fellowships to candidates, who will consent to take holy orders, rather than abandon their collegiate incomes, is calculated to degrade the moral tone of the clerical body, by betraying men on the impulse of inferior motives, into solemn professions made, it is to be feared, too frequently, merely in compliance with the requirements of the College statutes. The limitation has the further effect of withdrawing those whose tastes and inclinations would have led them into other professions, such as law, medicine, &c., and of discouraging the studies which would qualify them for secular pursuits, by confining collegiate rewards at best to such as exhibit proficiency in the study of classical languages as more immediately related to that of theology. I would recommend, therefore, the abolition of all limitations of College Fellowships to particular counties, cities, towns, and dioceses, and also to founders' kin, beyond certain degrees and generations; the distribution of Fellowships in each College to successful aspirants after academical distinction in the several Schools of Examination instituted by our recent statute, and the abolition, in a majority of cases, of the obligation to take holy orders.

RESTRICTIONS ON FELLOWSHIPS.

Local.

Clerical.

In all cases, *marriage* should simply forfeit the right to occupy rooms within the walls of a College, and not the general emoluments of the foundation.

Celibacy.

On the other hand, I would introduce a new limitation of tenure, making Fellowships terminate, in ordinary cases, at the expiration of ten years, as is the case with those, (eight in number) at Queen's College, founded by John Michel, Esq. The right of re-election should be reserved for such as had, during the larger portion of that period, filled the office of Instructor with a stated degree of success. Should it be thought desirable or requisite to retain any family fellowships, they might be reduced to the form of *scholarships*, to be held by founders' kin within certain degrees, for six years from matriculation.

Terminable Fellowships.

11. The propriety of abolishing the distinction between compounders and ordinary Graduates, between noblemen, gentleman-commoners, and other Students, and also the distinction made with respect to parentage at matriculation.

I have anticipated my reply to this question under the answer to question 7, so far as relates to the privileges conceded to noblemen and gentleman-commoners as to the length of residence required previous to the B.A. degree.

DISTINCTIONS OF RANK.

12. The means of fully qualifying Students in Oxford itself for holy orders, and of obviating the necessity of seeking theological instruction in other places.

No adequate organization exists at present in Oxford for fully qualifying students for holy orders; but means are amply provided, and might, without much difficulty, be organized upon the plan suggested in my reply to question 7. In connection with this subject, I would recommend a provision, that on the next vacancy, a parochial cure in one of the Oxford parishes should be attached to the Chair of Pastoral Theology, and that out of the funds by which the several Chairs of Divinity (Regius and Margaret), and those of Ecclesiastical History, Pastoral Theology, and Exegesis of Scripture are endowed, a reserved sum should be deducted annually, on the next vacancies, to form a retiring pension for superannuated Professors, so as to secure efficient Lecturers at all times for the benefit of students in Theology.

STUDY OF THEOLOGY IN OXFORD.

13. The capability in Colleges and Halls, as at present constituted, to furnish adequate instruction in the subjects now studied, and in those introduced by the recent Examination Statute.

14. The system of private tuition, and its effects both on Tutors and Pupils.

I believe that Colleges and Halls, according to their present constitution, are wholly incapable of furnishing adequate instruction in the subjects now studied, and that the effect of the recent examination statute must be to strengthen the objections which lie against the collegiate system of tuition. Practically, we have *twenty* Universities, instead of *one*. The principle of division of labour is thus seriously violated; and it is inconceivable that, giving the existing tutors credit for the most conscientious devotion to their duties, anything but the merest mediocrity of instruction in various branches of literature and science should be the result. To illustrate my meaning:—A youth is matriculated at —— College. Say that the society consists of a Head and twenty Fellows: the majority of these Fellows are elected upon claims arising from their having been born in particular townships, or counties, or dioceses; perhaps not a third of the number are marked by the highest University honours in the subjects of study; yet out of these, the Head of the College is constrained to select his tutors, two, three, or four, according to the number of Undergraduate Students. (I do not say that the examination for University honours, to which I have referred, is an absolute criterion of fitness for the tutorial office, but I take it as the best general standard, though marked exceptions present themselves.) Social influences of a paramount character generally prevent the Head of a College from selecting tutors out of the University at large, and so jealously do these operate, that in my own Col-

INADEQUACY OF THE PRESENT MEANS OF INSTRUCTION.

College Tuition.

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lege, (Queens'), the members of the Michel Foundation, though as a body distinguished by high academical attainments and owing their election to public competition, have been systematically excluded from taking part in College tuition, of which the dignity and emoluments have been generally confined to the members of the Old Foundation, a Foundation which has been practically, though I believe unstatutably, confined to the natives of two counties, Cumberland and Westmorland. It is only fair to say, that by the marked and exceptional liberality of the present body of tutors a partial departure from this exclusive system is at present seen in the appointment of *Assistant Lecturers* from the ranks of the Michel Foundation. The defects which I have indicated, are, indeed, recognized in the efforts of some leading Colleges, such as Balliol, to send their students for lectures to tutors, resident in other Colleges, for instruction in particular branches (Mathematics for instance); but I do not believe this to be practicable under the existing feeling of College bodies, on any large scale. It must be obvious, then, that a system which, with the limited range of subjects hitherto studied, has proved inefficient, must become still more glaringly so, now that the new education statute has added to the list of University studies, such subjects as (*Modern*) Moral, Metaphysical, and Political Science, Jurisprudence, Political Economy, Modern History, and Physic.

Aularian Tuition.

As for the Aularian system of tuition, most Halls have but a single tutor. What must be the value of instruction, which even under the examination statute now on the point of expiring, embraced Moral Philosophy, Theology, Logic, Philology, Latin and Greek composition, and the elements of Mathematics, all taught by a single individual to young men of various degrees of mental capacity and previous intellectual attainments? I should further object to the system, that it tends to destroy the professional character of education. The office of a College tutor has, in effect, few incentives to exertion. The College Fellow, often fresh from the Examination Schools, is invested with the office of an instructor, has a fixed salary, and a definite number of pupils at once assigned to him, one-half, one-third, or one-fourth of the aggregate fees paid for tuition; with little anxiety as to the consequences of any neglect of duty, or of incapacity to convey information, without any privileges accorded to experience, or any limitation of salary as belonging to apprenticeship, and with a fixed intention to relinquish his occupation as soon as ecclesiastical preferment affords him the means of retirement from an office accepted simply as a source of temporary emolument.

Evils inherent in both.

I should wish my answer to the succeeding enquiry to be taken in connexion with the reply to Question 14. The system of private tuition is, in its extent, the measure of the insufficiency of the public tuition of the Colleges. It is far too expensive to be voluntarily resorted to in the majority of cases, and constitutes, in fact, the best evidence of the necessity of the restoration of an untrammelled *University* scheme. Few young men attain high honours without paying to private tutors a sum (on the average of cases) equal to that which he pays his College tutor in the four years of his academical course; and with an improved examination statute the evil must be progressive; for College Lecturers must inevitably pack together, as it is, pupils unfit to read together, and with the additional subjects henceforth required to be studied, the incapacity under which they will labour in this respect will be increased threefold; either then the statute will become a dead letter, or the expenses of private tuition must enormously increase.

Private Tuition.

Remedy for evils mentioned.

The only remedy, in my judgment is, to restore *practically* what is in fact, the theory of the statutes, and to enable each graduate licensed by the Vice-Chancellor, to form classes "*in iis artibus, quas et quatenùs per statuta tenetur audivisse,*" the University fixing by statute the number of lectures which each public catechetical Lecturer shall give, and the amount of fees per head per term, which each pupil shall pay. Let there be no interference, beyond the discretion of the pupils, with the largeness or smallness of the classes which the tutor may choose to form.

The advantage of this arrangement would be, that University tutors would divide pupils among them, with reference to the very wants which now induce the latter to seek the aid of private tuition, the desire of proficiency in particular branches of study; and a class of men would be raised up in the University unknown there in the present day; men, with whom education would be a profession,—whose literary and scientific tastes would be invested for their own benefit and that of others, and whose fortunes would depend on energy, fitness to teach, learning and experience. I have only to add, that I believe the system of private tuition as it now obtains, to be, as regards the pupil, injurious, so far as it tends to impair a sentiment of self-reliance, although it is to a very great extent at present indispensable, from causes which I have already adverted to. As regards the private tutor himself, it is physically so laborious, and in the case of the most prosperous instructor so ill paid, (notwithstanding the high fees extracted from individual pupils) as to be essentially unjust. Its observable tendency is moreover to incapacitate many minds, possessed of no ordinary natural gifts, from devoting their powers to the acquisition of high attainments, or to the advancement of human knowledge.

15. The means of rendering Bodley's library more generally useful than at present.

16. The propriety of laying periodical statements of the University accounts before Convocation.

Bodley's Library.

On these questions my opportunities do not enable me to suggest anything positively; but I indulge a hope that among the improvements which Her Majesty's Commissioners may be the means of introducing, liberty to take out books from the Bodleian Library, under certain regulations, such as now, I believe, prevail in the University of Cambridge, may be included.

University Accounts.

The ignorance existing among members of Convocation, of the accounts of the University, also calls for a remedy.

Answers from H. E. Strickland, Esq., M.A., Deputy Reader in Geology.

H. E. Strickland, Esq., M.A.

Sir,

In reply to the Circular of Her Majesty's Commissioners for the University of Oxford, dated 18th November 1850, I have the honour to submit to you the following observations. I may, however, premise that, having never taken any part in collegiate education, and having only resided in Oxford at intervals for literary objects, since I took the degree of B.A. in 1832, I do not feel competent to say much on the system of instruction and of discipline now pursued. I will, however, offer a few suggestions, based partly on my own experience when an undergraduate, and partly on subsequent observation, and will take *seriatim* those points in your Circular on which I am able to speak. I shall be happy to give you any further information in my power, should you desire it.

I have the honour to be, Sir,
Your obedient servant,
HUGH EDWIN STRICKLAND.

The Rev. A. P. Stanley,
Secretary to the Oxford University Commission.

University Expenses.

1. I have no doubt of the general possibility of diminishing University expenses, and of restraining extravagant habits, although many difficulties stand in the way. All parents and guardians might be required, on the matriculation of a student, to give to the head of his College, or to his tutor, a written statement of the amount of his annual allowance; and all Oxford tradesmen might be required to send in their accounts every term, and to have them examined and countersigned by a tutor (if above a certain amount), before they could claim payment of an undergraduate. It is probable that some arrangements of this kind would go far to induce ready-money payments, and thus to obviate the evil in question.

Far too much toleration, not to say encouragement, is given by the University authorities to field sports, which obviously offer strong inducements to extravagance, and are fatal to habits of studious application.

University Legislation.

3. The present mode of University legislation is exceedingly cumbrous and inconvenient. Although it may be safer, under present circumstances, for the Hebdomadal Board to retain the power of originating motions, yet it would be very desirable that the Convocation should have the power of moving amendments. Many defects in the details of a measure might thus be remedied which are now sanctioned by Convocation, from an unwillingness to cause trouble and delay by vetoing the whole. When a measure is promulgated by the Hebdomadal Board, it should be submitted to a Committee of resident members of Convocation, who would report on it in detail, and Convocation should then have the power of adopting any amendments which might be suggested by the Committee or proposed by themselves.

I am further of opinion, that it is a strange solecism to conduct the business of the nineteenth century in the language of the first. Holding classical literature in the highest veneration, I grieve to see it degraded to the every-day uses of modern life. If our statutes are intended to be understood and obeyed, they ought to be written in the vernacular language, and not in a style of barbarous Latin, which would puzzle Cicero as much as it does the moderns. And if this is true of the statutes, it applies still more strongly to the oaths, which are administered on many formal occasions to members of the University, and which, from being rapidly enunciated in a dead language, are apt to be very imperfectly understood, and speedily forgotten by the person who takes them. In regard to the debates (if they can be so called) in Convocation, it is notorious that very few members of that body possess a facility of speaking in Latin, and many a valuable suggestion remains unuttered from a want of that facility. Many persons too, even of good classical attainments, find much difficulty in following a Latin speech. The hearer's attention is necessarily applied rather to the meaning of the words than to the value of the ideas, and the argument loses in force, in proportion to the mental effort necessary to understand its language.

Statutes in English.

Oaths in English.

University Extension.

6. I think it highly desirable to extend the benefits of the University to a larger number of students. The best way of doing this would be, to permit the establishment of new Halls to the extent required. I should be sorry to allow undergraduates to lodge in private houses more generally than at present, as it would probably tend to destroy that good order and gentlemanly decorum which distinguishes Oxford and Cambridge so favourably from many other Universities. But to the establishment of additional Halls, under suitable regulations, I see no possible objection. It interferes with none of the privileges of existing Colleges, none of which have, or ought to have, any monopoly in the business of education.

Diminution of vacations.

In connection with educational questions, I may add, that I think the efficiency of Oxford, as a place of learning, would be greatly increased, if the vacations were rendered less frequent or less extended. The distraction of mind caused by the incessant dispersion of the students after a term of eight or nine weeks' duration is very unfavourable to any regular course of study. A student no sooner becomes acquainted with his author, and begins to take an interest in his subject, than the vacation comes; he rushes to the delights of home for several weeks or months, forgets most of what he has learnt, then returns to College, is put into a fresh set of lectures, and begins *de novo*, with subjects and authors previously unknown. Such a system encourages the idle and the desultory; it is only a few vigorous minds who are able to acquire solid learning in spite of it.

The remedy which I would propose is this: to diminish the Easter vacation to a few days only; say from Good Friday to Easter Tuesday inclusive, and not to allow the students, except by special permission, to leave Oxford during this interval. To continue, as far as possible, the same series of College lectures from Lent Term to Act Term inclusive, so that the interval of a few days' relaxation at Easter might not break the train of ideas which the student is acquiring.

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Admission of strangers to Professorial Lectures.

Perhaps, also, it might be expedient to shorten the long vacation, by adding a week or two of collegiate residence at the beginning of Michaelmas Term.

It would be very desirable to admit persons to Professorial lectures, and to give them certificates of attendance, if desired, without requiring further connection with the University. There are many intelligent inhabitants of Oxford among the professional men, tradesmen, pupils of schools, and independent residents, to whom it would be a great advantage to have access to the stores of learning and science, much of which, I grieve to say, is now delivered by the Professors to empty benches. Some of the Professors have, to a certain extent, acted on this principle, by admitting ladies and other non-academical auditors to their lectures. The same plan is pursued at the London University, and I believe in many other places, where any person is permitted to subscribe to, and attend, any course of Professorial lectures, without being otherwise connected with the University. Such a practice would, among other benefits, have the desirable effect of uniting the University and City of Oxford with some common ties, besides those of mere interest. Provision should, however, be made that the influx of non-academical auditors to Professorial lectures should not interfere with the due accommodation of members of the University, who, of course, would have the prior claim for seats where any scarcity of space existed.

Arrangement of hours for Professorial lectures.

8. As regards combining the Professorial system with the Tutorial, I think the former ought to be as much a part of University education as the latter, and the new Examination Statute has done somewhat to render it so. A better arrangement of time is, however, much wanted; as, in order to avoid interfering as far as possible with College lectures, the Professors' lectures are nearly all crowded into the short interval from one to three P.M., during the first half of which period many College lectures are still going on. I would suggest that the chapel services in winter time should be (as they are in some Colleges) not later than half-past seven A.M., and that the four hours from nine A.M. to one P.M. should be devoted to College lectures; the rest of the day being exclusively available for Professors. And if it were requisite for any Professor to lecture at an earlier hour, any student wishing to attend him should be exempted from College lectures at the same hour.

It would probably be impracticable to render all the existing Professorial lectures available as preparatory to the Examination Schools; but the University has, to a considerable extent, rendered them so, by the recent establishment of the School of Physical Science, and by enacting that all candidates for the third examination must present certificates of attendance on at least two courses of public lectures. I think, however, that the munificent intentions of Sir Robert Taylor would be more effectually carried out if the modern languages were admitted into the Examination Schools. The importance of studying the modern languages is daily becoming more apparent; they can be far more easily acquired in youth than in manhood, and they ought therefore to be admitted into the cycle of subjects for which academical distinctions may be gained.

Examination in modern languages.

Professorship of Zoology wanted.

In regard to increasing the number of the Professorships, I would remark, as an anomaly, that no Professorship of Zoology exists at Oxford. Of the three kingdoms of nature, the vegetable and mineral are represented by the Professors of Botany and Mineralogy; but the animal kingdom has surely an equal claim to have its phenomena displayed from a Professorial Chair. In almost every other University in the world, scientific zoology is taught professorially, either as an independent science, or as a branch of the more general subject of natural history.

Such a Professorship might be conveniently annexed to the Keepership of the Ashmolean Museum; but in that case it would be essential to relieve the latter appointment from the restrictions which now encumber it. These are, "that the Keeper should be a layman, of the degree of M.A. or B.C.L. only, unmarried, and neither F.R.S. or F.S.A." As to requiring that he should be a layman, there is, in my opinion, no objection to that, for Oxford offers at present far too few inducements to its lay members, and far too many of its appointments are restricted to the clergy. But the other restrictions which apply to the Keeper of the Ashmolean Museum are very objectionable. Why is a distinguished zoologist to be excluded from such an office because he may happen to be married, or because he may be a member of a certain scientific society? A similar restriction in regard to matrimony in the case of the Bodleian Librarian was recently set aside by Convocation.

Distinctions of Rank.

11. I am of opinion that the distinctions between Compounders and ordinary Graduates, between Gentleman-Commoners and Commoners, and those respecting parentage at matriculation, ought to be abolished. They are merely a means of increasing the extravagant habits of the young men, of encouraging the tradesmen to prey upon those who are supposed to be wealthy, and of keeping up haughty and unsocial distinctions, which it is difficult, though not the less necessary, to lay aside when the pupil leaves College and enters the world. I am not, however, prepared to advocate the entire abolition of the distinction between noblemen and commoners. It is a distinction which will be retained in after-life; and there is, therefore, the less objection to its being recognised here. There is, however, one distinction enjoyed by noblemen and baronets, or their eldest sons, which it is not easy to defend—their privilege of taking the degree of B.A. after keeping only *twelve* terms, while all other persons are required to keep *sixteen*. Unless it could be shown that the innate talents or preparatory education of noblemen enable them to acquire the same amount of learning in less time than others, it would follow either that commoners reside at College longer than necessary to qualify them for a degree, or that noblemen do not reside long enough; on either of which suppositions the period of residence ought to be equalized for both these classes.

Bodleian Library.

15. The general arrangements of the Bodleian Library appear to me satisfactory; and all literary persons, whether members of the University or not, have to acknowledge the courtesy of its officers and the facilities which they afford.

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In regard to extending those facilities, several questions arise. First, as to allowing the books to circulate among members of the University, as is the practice in the public Library of Cambridge. Many strong arguments may be adduced in favour of this permission; and there is no doubt that it would be a great boon to non-resident members. But upon the whole I am of opinion that it is better *not* to allow the books to leave the Bodleian Library; for, independently of the exposure to loss and damage incidental to their circulation, there is an immense advantage in knowing that every book in the catalogue is at all times to be found in the library. Literary men would pay many a fruitless visit to the library, if they were liable to be told that the book which they were in quest of was just then at a remote country parsonage, but would be returned as soon as its borrower had done with it.

Books should not be lent out.

On the other hand, I think it would be advantageous if the Bodleian Library were kept open for a longer period daily, at least during the winter months, when it is only open from 10 A.M. to 3 P.M., and is consequently almost useless to those who are engaged all the morning in College tuition.

The library should be open longer.

There is also a great inconvenience in closing the Bodleian for eight days during the Michaelmas Term, in order to prepare for the annual visitation. If it were closed for the same period at the end of the long vacation, and reopened at the commencement of Michaelmas Term, far less public inconvenience would arise.

I am further of opinion that it would be very beneficial in exciting a taste for literature among the junior members of the University to admit Undergraduates as well as Graduates to the Bodleian Library. Our billiard-rooms, tennis-courts, and livery stables are freely open to the students, and why should our libraries be closed to them? If there were any fear of their frequenting the Bodleian in inconvenient crowds, a special reading-room, with a catalogue and attendants, might be provided for them.

Undergraduates should be admitted.

It would be a great convenience if the titles of all new books, as they come in, were briefly entered on the blank leaves of the interleaved catalogue. At present, if a reader does not find the book which he wants in the printed catalogue, he must apply to one of the attendants to search the MS. slips before he can ascertain the presence of a book, which often causes considerable trouble and delay.

The printed catalogues of the Bodleian are very well drawn up for practical purposes. I have only one suggestion to make in regard to them, viz., that the headings which consist of authors' *names* should be in a different type, or be otherwise distinguished, from the headings which express *subjects;* and that the *cross-references* should in the same way be distinguished from the *substantive titles.*

The books in the Bodleian are greatly in want of a stamp or other distinguishing mark. The greater part of them have no mark whatever to prove that they belong to the Bodleian Library; and if they were stolen it would be exceedingly difficult to identify them.

Great advantage would arise, and much money would be saved, if some mutual arrangement were made between the Librarians of the Bodleian and of the Radcliffe Libraries. At present many works exist in duplicate in these two contiguous libraries, while a still larger number of important scientific works exist in neither. Works on physical science are very sparingly purchased in the Bodleian, because they are supposed to find their way spontaneously to the Radcliffe; while the funds allowed to the latter library are far too small to keep it on a par with the scientific literature of the day. Hence the many deficiencies of both libraries. If the officers of each library were mutually to agree to abstain from purchasing any books which already exist in the other, much money would be saved for the purchase of their common desiderata. Indeed I do not see why these two libraries, both of them permanent appendages of the University, and both placed in close proximity, should not be regarded as two departments of one establishment. All the Bodleian books on physical science might then be transferred to the Radcliffe, and the literary works in the latter library to the former. The duplicates might then be sold, and the proceeds applied to purchase desiderata. But to carry out this plan it would be essential that the sum allowed to the Radcliffe for purchasing books should be considerably increased.

Radcliffe Library.

Could it not be united to the Bodleian?

Similar friendly relations might also be established between the Bodleian and the other public or otherwise permanent libraries of Oxford. This might be effected by employing some person to compile a catalogue of all the printed books existing in those libraries *which are not to be found in the Bodleian.* It would form a supplement, and a very valuable one, to the Bodleian catalogue. The two catalogues together would exhibit at one view the whole literary treasures of Oxford, and would guide the learned student to many a rare volume which he now overlooks.

The public libraries of Oxford, additional to the Bodleian and the Radcliffe, are (to the best of my knowledge)—

Other libraries in Oxford.

1. The Ashmolean Library, including the collections of Ashmole, Wood, and Lister. (Of this precious collection an excellent catalogue, compiled by Mr. Kirtland, has lain in MS. for some years.)
2. A small collection of books on natural history, presented by P. B. Duncan, Esq., and others, to the Ashmolean Museum.
3. The library of the Taylor Institution.
4. The library recently presented by the Rev. F. W. Hope.
5. A small collection of books, chiefly presented by the Rev. J. J. Conybeare, attached to the Geological Museum.
6. The Sibthorpian Library, attached to the Botanic Garden.
7. The library attached to the Anatomy School at Christchurch.
8. The library of the Radcliffe Observatory.

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College Libraries.

Besides these, which may be termed Public or University Libraries, there are the libraries attached to all, or nearly all, the Colleges, some of which are of very great extent and value. I would recommend that (with the consent of each College) the titles of such of its printed books as are additional to the Bodleian collection should be inserted in the general catalogue above referred to, accompanied by a distinctive mark, indicating the library or libraries in which a copy exists.

Library of the Union Debating Society and the Ashmolean Society.

There are also two other collections of books belonging to private societies connected with the University, viz., the library of the Union and of the Ashmolean Society. It is probable that these two bodies might also allow their *extra-Bodleian* rarities to be incorporated in the general catalogue.

It would be advisable for the officers of the Bodleian, as a general rule, to avoid purchasing such works as were shown by this general catalogue to exist already in some Oxford library. They would then have more funds disposable for procuring some of the many works of which no copy exists in Oxford at all.

Deficiencies of the Bodleian.

If the Bodleian be regarded as a *general library,* analogous to that of the British Museum, its most striking deficiency is certainly in the department of physical science. But if, by the division of labour above recommended, the literature of physical science were to be transferred to the Radcliffe, there would still remain several notable deficiencies in the especial subjects belonging to the Bodleian.

Literature of Oxford.

A public library, if its resources do not admit of its accumulating the *omne scibile* of all countries, should at least endeavour to exhaust the printed literature of its own immediate locality. On this principle the Bodleian ought to be a storehouse of reference on all that relates to the University, the City, and the County of Oxford. If it rejects newspapers in general, on account of their bulk, it ought at least to preserve a perfect series of all the newspapers published in Oxfordshire. Every ephemeral pamphlet, every local periodical, every political squib, every poetical broadside, issued in the county of Oxford, should be carefully collected, arranged, and preserved. I have no doubt that the sweepings of the booksellers' shops in Oxford would at this moment supply a large mass of local literature, which is not extant in the Bodleian. A room in the Library should be especially set apart for this local literature, and a highly curious collection would thus be formed for the future historian of Oxford to explore.

Intention of the Copyright Act.

Not fully carried out as to the provinces,

By the present Copyright Act the Bodleian Library is entitled to a copy of every book published in the British dominions. As regards London, this privilege seems to be very fully acted upon, but not so in the case of the provinces. Many valuable and curious books are published in Edinburgh, Glasgow, Aberdeen, Dublin, Newcastle, Bristol, and other large towns, of which only a very small number ever find their way to the Bodleian. The Library might easily employ an agent, at a small salary or commission, in each of these towns, to collect the local literature and forward it to Oxford.

the colonies,

A still greater deficiency exists in the case of colonial literature. Although the Copyright Act extends to the Colonies, no steps whatever appear to be taken to secure to the Bodleian those colonial publications to which it is by law entitled. Even should it be necessary to obtain such works by purchase, a portion of the money laid out on foreign literature might be advantageously expended upon the many curious books which have been published in the different British colonies.

and the United States.

The literature of the United States is almost wholly unrepresented in the Bodleian, except by English reprints of some of the more popular authors.

The Bodleian Librarian deserves great credit for the diligence with which he has collected the "Transactions" and other periodical publications of continental literary and scientific societies. The chief deficiencies under this head consist in the Transactions of Swedish and Danish societies, and in those of our own colonies, hardly any of which exist in the Bodleian.

Scientific "Transactions."

These scientific "Transactions" would be more appropriately placed in the Radcliffe, but as long as the Bodleian continues to procure this class of works, it ought not to restrict itself to the periodicals of learned societies, but should include the many equally valuable periodicals published by individual editors. Such, for instance, are Van der Hoeven's "Tijdschrift voor natuurlijke Geschiedenis," Müller's "Archiv für Naturgeschichte," Meckel's "Archiv für Anatomie," Froriep's "Notizen aus dem Gebiete der Natur u. Heilkunde," Leonhard's "Zeitschrift für Mineralogie," Poggendorf's "Annalen der Physik," Wiegmann's "Archiv für Naturgeschichte," "Annales des Sciences Naturelles," Silliman's "American Journal of Science," and numerous others which might be mentioned. The relative wealth of the Bodleian in this branch of literature will be seen by the marginal marks which I have inserted in the First Part of the *Bibliographia Zoologiæ et Geologiæ,* a copy of which I enclose to the Commission. There may be a few omissions of the distinctive marks in this copy, but I believe that it exhibits very closely the actual amount of scientific periodicals in the Bodleian Library.

Book of Desiderata.

In order to collect as far as possible the opinions of the literary public as to the *desiderata* of the Library, a conspicuous notice should be placed near the Catalogues, inviting all persons who fail to find in the Library the books which they want, to enter the titles of such works in the *Desideratum-book.* If readers generally could be induced to do this, the Desideratum-book would be a valuable guide to the Librarian in making his purchases.

Within a few years the space now available in the Bodleian Library will be entirely filled with books. When this time arrives, ample accommodation for another century's literature may be obtained by building another set of rooms, three stories high, against the north side of the schools, and facing the Clarendon. The existing Bodleian rooms on that side of the quadrangle would then have their windows to face the south only, instead of having windows on both sides as at present, which give more light than necessary.

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RADCLIFFE LIBRARY.

In connexion with the subject of public libraries, I wish to make a few remarks regarding the Radcliffe Library. The relations in which this institution stands to the University are not so clearly defined as might be wished. The following extracts from Dr. Radcliffe's Will, dated Sept. 13, 1714, are all that relate to this matter:—

> "* * * And will, that my executors pay forty thousand pounds in the term of ten years, by yearly payments of four thousand pounds, the first payment thereof to begin and be made after the decease of my said two sisters, for the building a Library in Oxon, and the purchasing the houses, the house [*sic*] between St. Mary's and the schools, in Cat-street, where I intend the said Library to be built; and when the said Library is built, I give one hundred and fifty pounds per annum for ever to the Library-keeper thereof for the time being; and one hundred pounds a-year per annum [*sic*] for ever for buying books for the said Library. * * * And I will that all the residue and overplus of my real and personal estate remaining after the payment and performance of the several legacies and bequests aforesaid shall be by them paid and applied to such charitable [*sic*] as they in their discretion shall think best, but no part thereof to their own use or benefit."

Radcliffe's intentions.

There is no positive proof in the wording of this will, whether the testator intended his library for the use of the University, of the City, or of both, but from his other acts of munificence to the University, and from the site which he selected, in the midst of University buildings, there can be no doubt that he contemplated his Library as a bequest to the University of Oxford. This was the view taken by his trustees on the completion of the Library, on which occasion it "was opened in a most solemn manner on Thursday, April 13, 1749; when the Duke of Beaufort, on behalf of himself and the other trustees, formally delivered the key to the Vice-Chancellor, 'for the use of the University.'"—See Ingram's Memorials of Oxford, vol. iii., p. 12, referring to Pointer's Oxoniensis Academia, Lond. 1749; also Gent. Mag., vol. xix., pp. 165, 459, and vol. li., p. 75.

We have therefore the authority of the Radcliffe Trustees, attested by their own solemn act, for regarding the Radcliffe Library as a benefaction to the University of Oxford. It follows, that although the absolute control of this Library may be vested in the body of Trustees, yet they are bound to manage it in the mode most conducive to the interests of the University, and to pay every attention to the wants and wishes of the latter body. This I fully admit that they have already done on many occasions, and the University has reason to be grateful for the liberality with which this Library is thrown open to all persons, whether Graduates, Undergraduates, or Strangers, for a period of six hours a day in winter, and eight hours in summer. Nor should it be forgotten that the sum annually allowed for the purchase of books at present (200*l.*) is double the amount appointed in Dr. Radcliffe's Will, viz., 100*l.* Under these circumstances it may appear ungrateful and unreasonable to make further demands on the liberality of the Trustees. But it must be remembered that if the allowance for books is now double what Dr. Radcliffe thought sufficient, yet that the amount of scientific literature now published is at least tenfold what it was in his time. If the Radcliffe is to be kept up as the great repository of physical literature in Oxford, as the Bodleian is of the mental sciences, additional funds must be assigned to it, or it will continue to fall further into the rear of the progress of knowledge.

Address to the Radcliffe Trustees for an increase of the Library funds.

During several years, when the late Dr. Williams was Librarian, the Trustees allowed the very liberal sum of 500*l.* a-year for purchasing books, and the Library during this period made great progress. But when, about seven or eight years ago, this allowance was suddenly reduced from 500*l.* to 200*l.*, the result was most injurious to the interests of the Library. The Librarian was compelled to withdraw his subscription from numerous valuable periodical works, and was almost precluded from purchasing any new works of importance. In the hope of inducing the Trustees to reconsider this unfortunate resolution, the following paper was drawn up in 1845, and sent in to Dr. Kidd, the Librarian, who laid it before the Trustees:—

"To J. KIDD, Esq., M.D., Regius Professor of Medicine, and Radcliffe Librarian.

"SIR,

"WE the undersigned Members of the University, and other residents in Oxford and its neighbourhood, who are interested in the progress of the Physical Sciences, are desirous of expressing, through you, our gratitude to the Radcliffe Trustees for their liberality in procuring books for the Radcliffe Library, and for the facilities afforded us in consulting those works. We venture, however, respectfully to request you to communicate to the Trustees our regret that they have lately thought it desirable to make a great reduction in the funds formerly allowed for purchasing books for the Library. The result of this has been that many new publications which are required to keep the Library on a par with the progress of Natural Science, cannot now be purchased, and the sets of many periodical works of the highest scientific value are rendered incomplete from the discontinuance of the subscription to them.

"We need not remark that the very name of an University implies that all branches of human knowledge should there be duly cultivated; and though we admit with regret, that, in the present state of the studies of Oxford, the Sciences of Medicine, Zoology, and Botany, are pursued with less zeal than many other subjects, yet they are far from being wholly neglected, and the time may arrive when these Sciences may assume that position in the English Universities to which we conceive they are entitled, and which they enjoy in the Universities of all other countries in the World. For the sake of posterity then, if not for ourselves, we would urge the desirableness of securing for every branch of Science a due degree

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of representation in the Public Libraries of Oxford, to aid in effecting which we may presume to have been Dr. Radcliffe's object in making his munificent bequest.

"Any diminution of the accustomed resources of the Radcliffe Library is the more sensibly felt, because the rapid extension of Natural Science at the present day would rather require an increase of those resources. Nor do the other Libraries of Oxford, in any assignable degree, supply the deficiencies of the Radcliffe, for the officers of those Libraries have naturally abstained almost wholly from purchasing works on Medicine and Natural History, under the impression that every new publication of importance on those subjects would find its way into the Radcliffe Library.

"We beg, therefore, with all due respect, to request that you will communicate on this subject with the Radcliffe Trustees, in the hope that they may be able to restore the funds of the Library to the efficient and liberal footing on which they were formerly placed, and for which we feel deeply grateful.

"We remain, Sir,
"Your obedient humble servants,

(Signed by)
"B. P. Symons, Vice-Chancellor.
"J. Ingram, President of Trinity.
"F. C. Plumptre, Master of University.
"E. Hawkins, Provost of Oriel.
"P. B. Duncan, M.A., New College.
"David Williams, Warden of New College.
"C. Daubeny, Professor of Botany and Agriculture.
"W. Buckland, Reader in Geology.
"Bulkeley Bandinel, Bodleian Librarian.
"W. F. Donkin, Savilian Professor of Astronomy and President of Ashmolean Society.
"Richard Greswell, F.R.S., Tutor of Worcester.
"R. Jackson, M.D., New College.
"Bartholomew Price, M.A.
"Robert Walker, F.R.S., Reader in Experimental Philosophy, Secretary of Ashmolean Society.
"Edward Hill, F.G.S., Treasurer of Ashmolean Society.
"Baden Powell, F.R.S., F.G.S., F.R.A.S., Savilian Professor of Geometry.
"Travers Twiss, F.R.S., Professor of Political Economy.
"Thomas Brancker, Fellow of Wadham.
"H. E. Strickland, M.A., Oriel.
"J. A. Ogle, M.D., F.R.S., Med. Prof. Clin.
"W. Hayward Cox, B.D., Vice-Principal of St. Mary Hall.
"W. A. Greenhill, M.D., Trinity College.
"C. Lewis Parker, M.A., F.R.C.S., Wadham.
"C. P. Golightly, M.A., Oriel.
"Frederic Holme, M.A., F.Z.S., C.C.C.
"John F. Wood, M.R.C.S.
"W. F. Barlow, M.R.C.S.
"G. R. Wyatt, M.R.C.S.
"Edward R. Owen, M.R.C.S.
"John Symonds.
"Frederic Symonds, M.R.C.S.
"Thomas Allen, M.R.C.S.

"*Oxford, March* 28, 1845."

This document produced no effect, as the following letter, addressed to me by Dr. Kidd, will show, though it does not state the precise reasons which actuated the Trustees:—

"My dear Sir, "*Oxford, June* 16, 1845.

"I am sorry to inform you that the Radcliffe Trustees find themselves unable to comply with the request contained in the Memorial lately presented by me.

"It is a satisfaction to me to add, that the Vice-Chancellor not only admitted the force of the reasons on which they ground their refusal, which I put before him this morning, in a written communication from the Secretary, but also acknowledged the courtesy of the terms in which they expressed their inability to comply with the request contained in the Memorial.

"I remain, &c.
"J. Kidd."

At a later period, in 1847, I proposed to the Dean of Westminster, that a renewed application should be made on the subject to the Radcliffe Trustees. The Dean accordingly offered to consult the late Sir R. Peel (one of the Trustees), and the following is his reply:—

"My dear Sir, "*December* 9, 1847.

"I have talked over with Sir R. Peel the matter of the Radcliffe. The Wolverton church, a large grant for a telescope, and repairs on estates, have recently caused unusual demands on the funds.

"I suggested that some of these have passed, and others are passing, and that when the

usual income returns there will be an arrear of periodicals omitted during the last few years to be filled up, and that being done, their annual continuation should be sustained. All this he admitted, and promised to take the first opportunity of looking into the matter. After this I see no occasion for the contemplated petition.

H. E. Strickland, Esq., M.A.

"Truly yours,

"*H. E. Strickland, Esq.*" "W. Buckland.

It hence appears that at the period in question the Radcliffe Trustees had some unusual demands upon their funds. Whether those demands have been since satisfied, and whether it would now be in their power to renew their former liberality to the Library the public have no means of judging. For though the Radcliffe Trust is of large amount, and was specially destined by its Founder to public uses, no balance sheet of receipts and expenditure is ever laid before the public. All that is known is, that the gross income is very large, and that the rental must have been very greatly increased of late years, in consequence of the "Railway Town" of Wolverton, containing nearly 2,000 inhabitants, having sprung up on the Radcliffe Estates. There is, therefore, every reason to hope that the Trustees may soon be in a position to make adequate provision for the Radcliffe Library, without detriment to the other valuable Foundations which have arisen out of the Radcliffe bequests.

To restore the Library to the state of efficiency which it presented 10 years ago, a sum of at least 1,000*l.* would be required to purchase arrears of incompleted works, and an annual sum of 500*l.* to keep it up with the science of the day.

Should it be objected that the Radcliffe building would not allow of any very large increase in the collection of books, I readily admit that the building, though an admirable work of art, is singularly unfitted for the purpose of a Library. But I by no means admit that it is nearly in a state of repletion. The basement story is now wholly unoccupied, but by inserting glass windows in place of the open iron-work, by flooring it with asphalte to exclude damp, and by fitting up the interior with bookshelves, accommodation might be made for the scientific literature of many years to come.

Deficiencies of the Radcliffe and Bodleian in Physical Science.

The following statement will show how deficient the two great Oxford Libraries are in works of Physical Science. The statement relates to the Science of Zoology alone, but the same numerical proportions will, I have no doubt, apply equally to any other branch of Physics. The calculations were made in 1845, when I carefully compared the catalogues of the Bodleian and Radcliffe Libraries with a MS. general catalogue, which I had compiled for my own use, of books on Zoology:—

Total of known publications on Zoology, according to my MS. catalogue	2,419
Of these there are in the Bodleian	478
,, ,, Radcliffe	954
Works in the Bodleian, not in the Radcliffe	202
Works in the Radcliffe, not in the Bodleian	678
Works which occur in both Libraries	276
Zoological Works which occur in neither Library	1,263

January 10, 1845.

The year following, 1846, appeared the valuable Catalogue of Engelmann, entitled "Index Librorum Historiam Naturalem spectantium," the first volume of which, relating to Zoology, contains between 4,000 and 5,000 separate works. If this number be compared with the figures above given, the disproportion between the actual state of science and the materials which exist in the Oxford Libraries will be nearly doubled.

As a lover and cultivator of Physical Science I venture to hope that some means may be found of placing our two great Libraries on a more efficient footing; first, by establishing some system of mutual co-operation between them, and secondly, by appealing to the liberality of the Radcliffe Trustees in aid of the resources of the Radcliffe Library.

Proposed circulation of books from the Radcliffe Library.

While speaking of the Radcliffe Library, I must also suggest that it would be exceedingly desirable to permit the circulation of the books, under proper restrictions. The case is very different from that of the Bodleian, the collection of books being far smaller, and their subjects limited chiefly to Natural History and Medicine, with their allied Sciences. The class of readers can never therefore be extensive, and will be chiefly confined to men actually engaged in scientific researches, or to members of the medical profession, who rarely have any time for study till evening. To the latter class the Radcliffe is now virtually closed, while even to those who are able to visit it in the morning, it would be an immense accommodation to be able to take the books to their homes. Having myself resided in Oxford for four years, almost wholly for the sake of having access to the Radcliffe Library, I have no hesitation in saying that I could have done the same amount of work in three years instead of four, if I could have taken the books out of the building to my own residence.

It would be desirable that the Radcliffe Librarian should publish an annual list of the books purchased, with their prices, and other items of expenditure, in the same way as is done in the Bodleian.

Publication of University accounts.

16. The propriety of laying periodical statements of the University Accounts before Convocation appears to be self-evident. The officers who are charged with the University Accounts stand in the same relation to Convocation that the Chancellor of the Exchequer does to Parliament, being equally Trustees for the right collection and expenditure of the public money; and like all other public Trustees, they ought to account periodically to their employers.

Office of Deputy Reader in Geology.

I now proceed to matters connected with my appointment as Deputy Reader in Geology. The present Reader in Geology is the Very Rev. W. Buckland, Dean of Westminster. In

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consequence of his inability, from indisposition, to perform his duties, the Vice-Chancellor and Proctors deputed me, in June, 1850, to take his place as Reader in Geology, until he should be in a condition either to resume the office or to resign it.

I accordingly delivered a Course of Fourteen Lectures on Geology in Michaelmas Term, 1850.

The number of Pupils who attended were seven, and they paid a fee of 1*l.* 1*s.* each.

On the completion of the course, the Vice-Chancellor paid over to me the stipend attached to the office of Reader in Geology, viz., 100*l.* (minus Income Tax).

My appointment being only a temporary one, I am not able to give very full information regarding the office of Reader in Geology, but will do so to the best of my power.

OFFICE OF READER IN GEOLOGY.

1. Endowment.

1. The Reader in Geology is paid by an annual grant from Parliament of 100*l.* The only other sources of income attached to the office are the fees paid by pupils.

2. Qualifications.

2. I am not aware of any special qualifications required by Statute in the Reader in Geology.

3. Lecture-rooms.

3. Two rooms in the Clarendon building, with two attics above, are assigned for the Geological Museum,—a space wholly inadequate to do justice to the splendid collection amassed by the zeal and liberality of Dr. Buckland. A large portion of this collection has consequently never yet been unpacked, and the portion exposed to view is crowded into the smallest possible space. This space is further diminished by one of the rooms being also used as a Lecture-room. In an ante-room is a small collection of geological and mineralogical books, perhaps 200 volumes, chiefly given to the University by the late Rev. J. J. Conybeare. No residence is attached to the office of Reader in Geology, nor is there any fund for keeping up the collections.

4. Statutable requirements.

4. The only duties required by statute to be performed by the Reader in Geology, are to give one Course of Lectures on Geology annually. The Course to consist of not less than eight lectures.

5. Appointment.

5. I have not any certain information as to the mode of appointment of the Reader in Geology. The office may be held for life, and I am not aware that the holder of it is removable.

6. Lectures and fees.

6. The present Reader in Geology was in the habit of delivering one Course of Lectures annually, the Course consisting of fifteen Lectures. The fee paid was 2*l.* 2*s.* each Pupil for the first Course, and 1*l.* 1*s.* each for the second Course. It is stated in a Return ordered by the House of Commons to be printed, February 24, 1846, that the number of Pupils who attended the Reader for the preceding five years was 107, but this, I presume, refers to the Two Readerships, of Geology and Mineralogy, held conjointly by Dr. Buckland, so that the average attendance on each Course would only be about ten Pupils. Having occasionally been present at the Lectures between 1845 and 1848, I have reason to believe that the attendance during those years did not usually exceed six or seven.

7. General state of the study.

7. It will be seen from the above statement, that the science of Geology presents but little attraction to the Members of the University at present. This is the more remarkable, because it is a science which of late years has made such remarkable progress, and has excited so much interest in the world at large, and in most other Universities. This depressed condition is shared in Oxford by all the other Physical Sciences. Its causes are, I believe correctly, attributed by Dr. Daubeny, in his pamphlet on the Correlation of the Physical Sciences, 1848, to "the sinister influence which the exclusive encouragement held out to one particular class of studies is calculated to exert upon the cultivation of the rest." There is reason to hope, however, that when the New Examination Statute has had time to operate, the prospects of Physical Science in Oxford will improve. And should the proposed plan for the erection of a University Museum be carried out, and the Geological collection be transferred from its present inconvenient locality to more commodious premises, the magnificence of this collection can hardly fail to excite more general interest, and to attract more students to the lectures.

H. E. STRICKLAND.

W. F. Donkin, Esq., M.A.

Answers from W. F. Donkin, M.A., Savilian Professor of Astronomy, Mathematical Lecturer, and late Fellow of University College, Oxford.

EXPENSES.

1. With respect to College expenses of "Battels" and Tuition, I am not able to offer an opinion.

With respect to the possibility of restraining extravagant habits, I think that interference by positive legislation would be partly ineffectual and partly mischievous. Ineffectual, because it is almost impossible to enforce sumptuary regulations; mischievous, because such regulations would interfere with the liberty which must be left to Students if the University is to be a place of moral education suited to their age; that is, a place where strength of character is to be acquired, and self-government earnt, as other difficult things are learnt, by practice. I do not think there is in Oxford any temptation to extravagance greater than Students may be fairly expected to resist

If, after a sufficient trial, they prove themselves incorrigible in this or other respects, I think they ought to be sent away.

DISCIPLINE.

2. I think that the authorities possess sufficient powers to enforce all necessary discipline; but that these powers are not always sufficiently exercised; especially in the way of getting rid of those who, after a fair trial, give no grounds for hope that their continuance in the University will be other than hurtful both to themselves and to their fellow-students. I think that the discipline which is suitable for schoolboys, is not suitable

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in kind or degree for students between the ages of eighteen and twenty-three. In these years they ought to be formed into men; and I think this must be done by allowing them as much liberty as is consistent with the maintenance of general order, care being taken at the same time to guard them from all *undue* temptation.

University extension.

6. (1) I think that the establishment of new Halls would probably be the best mode of extending the University, and that they should, at least at first, be in connexion with Colleges; such regulations being made as should prevent the Colleges from opposing unreasonable obstacles to their establishment.

New Halls.

(2 and 3) We have had no experience in Oxford, and I believe no satisfactory information from other places, as to the possibility of an effective *University* discipline, as distinct from a *College* discipline. I do not think it would be wise to try the experiment unnecessarily.

Lodging-houses.

(4) I think that the admission of persons to Professorial Lectures, without further connexion with the University, as a matter of *right*, would have a tendency to lower the character of the Lectures; because such persons would have a right to expect that the Lectures should be adapted to the standard of their previous acquirements and intellectual cultivation.

Admission of strangers to Lectures.

As a matter of *favour*, I believe the admission of such persons is at present seldom refused when it is requested; but it is understood that the Lecturer is at liberty to adapt his teaching entirely to his academical auditors.

Matriculation Examination.

7. I think an University Examination before matriculation highly expedient; though it would be desirable to provide for some relaxation of its requirements in the case of Students who, coming to the University at a *later age* than usual, and, from previous circumstances, without the usual preparation, yet possess abilities and industry enough to prepare themselves for the later Examinations within the prescribed time. Such instances have not unfrequently occurred, I believe, under the existing system.

I do not see any sufficient reason for diminishing the length of time required for the first degree. The whole period of actual residence in Oxford before the first degree is usually not more than 18 or 19 months, which I do not think too long for the acquirement of what is required under the new Statute.

With respect to rendering the studies of the University more subservient to the future pursuits of the Student, I think that the new Statute does enough in this way, at least as a beginning.

Higher Degrees.

There can, I think, be no question that it is desirable to make the higher degrees real tests of merit. But in framing any regulations for this purpose, I think it should be considered that *Examinations* are in themselves an evil, as interfering with the liberty of teaching and of study, though in the case of junior Students they are a *necessary* evil, being the most effective stimulant for the indolent.

I would suggest that in each Faculty there should be an examination for the first Degree, as there is at present in Arts and Medicine, and will be in Law if a Statute just proposed be accepted by Convocation; and that, for the second Degree, an exercise of some kind (not an Examination) should be required, in which more liberty should be left to the Candidate; such regulations being adopted as should prevent, if possible, the exercise from becoming a mere form, amongst which would be of course a power of declaring it insufficient.

Perhaps it would be desirable to allow Students in Theology, after taking the first Degree in Arts, to take the first Degree in Divinity instead of the second Degree in Arts. This is at present allowed in the case of Law and Medicine.

Suggestion as to the Degrees in Music.

In connexion with this subject I beg leave to mention the present system of granting Degrees in Music, which appears to me to require revision; at least if it be desirable (as I think it is) that the University should continue to grant such Degrees at all.

I should suggest a public Examination for the Bachelor's Degree, together with an exercise which should *not* require a knowledge of orchestral composition, and the performance of which should involve only a trifling (instead of the present very serious) expense. For the Doctor's Degree the exercise with orchestral accompaniments might be required as at present, the expense being diminished if possible.

I consider this subject important, because I believe that Music is capable of furnishing a useful element in popular education, and that the Bachelor's Degree, if made more accessible in respect of the acquirements demanded, and of the expense, and conferred, as at present, on persons having no other connexion with the University, might become a means of supplying the country with competent musical teachers.

Professorial System.

8. I should think the combination of the Professorial with the Tutorial system desirable and practicable, at least with reference to some of the subjects of instruction. The Professorial Lectures might be given with an especial view to the exposition and illustration of general principles, and the elucidation of difficulties of principle. The Tutorial Lectures might fill up the subject in detail, and take more account of the progress of individual pupils. The Professor might be expected to have more enlarged views of his subject, derived from an extensive acquaintance with its literature and history. The Tutor might be required only to conduct his pupils through particular text-books.

In the case of Experimental Science it would also belong to the Professor to illustrate his subject by means of the proper apparatus, which the Tutor cannot generally be expected to possess.

With respect to the means of rendering the Professorial foundations more available for the instruction of Undergraduates generally, I think what is chiefly wanted is sufficient inducement for the Undergraduates to attend the Professorial Lectures, which, even under

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existing circumstances, would be available to a considerable extent if there were any demand for them.

Number of Professors.

With respect to the number of the Professorships, I shall only give an opinion with reference to the department of Mathematics and Physical Science, excluding Physiology. There are at present, in this department, Professorships of Geometry, Astronomy, Natural Philosophy, Experimental Philosophy, Chemistry, Mineralogy, and Geology; of which the two last are held by the same person (though the duties are at present performed by two separate deputies, the Professor being disabled).

It appears to me that this number is probably sufficient; though the employment of assistant Professors in the same subjects might be found desirable if the Professorial system were in full operation. I think also that the department of the Professor of Geometry might be advantageously enlarged to include the whole of Pure Mathematics, and that the department of the Professor of Natural Philosophy might be understood to embrace the mathematical treatment of all the subjects treated experimentally by the Professor of Experimental Philosophy.

Endowments.

With respect to the endowments of Professorships, I conceive that if it be required only to have a body of tolerably competent teachers, moderate endowments are sufficient. But that if it be desired that the University Professors should generally be amongst the most distinguished cultivators of their respective sciences to be found in the country, then much more liberal endowments are necessary. For either purpose most of the existing endowments are insufficient, as the Professor is in most cases obliged to hold some other employment which prevents him from devoting his whole energies to his Professorship. The following is a list of those Professors who, at present, have other academical sources of income *not* attached to their Professorships, and with or without corresponding duties.

The Regius Professor of Greek is . .	Dean of Christ-Church.
Regius Professor of Medicine . . .	Radcliffe Librarian.
Professor of Astronomy	Mathematical Lecturer of University College.
Professor of Moral Philosophy . . .	Fellow and Tutor of Corpus-Christi College.
Professor of Ancient History . . .	Principal of Alban Hall.
Professor of Arabic (Laudian) . . .	Sub-Librarian of the Bodleian.
Professor of Anglo-Saxon	Fellow of Oriel.
Professor of Arabic (Lord Almoner's) .	Principal of Magdalen Hall.
Professor of Chemistry	Fellow of Magdalen College.
Professor of Experimental Philosophy .	Mathematical Lecturer of Wadham College.
Professor of Logic	Vice-Principal of Alban Hall and Fellow of Balliol.
Professor of Exegesis of Scripture . .	Provost of Oriel.

In the above List, only Academical sources of income are mentioned, as published in the Oxford Calendar.

It is my opinion that the endowments of all Professorships should be liberal enough to justify the University in requiring the Professors to undertake no employment (academical or otherwise) inconsistent with the most efficient performance of their Professorial duties.

Appointment of Professors.

9. I think it very difficult to say what is practically the best mode of appointing Professors. Probably it is desirable to have several different modes. Of those which exist at present, I should think the worst is election by Convocation; and the best, in theory, is election by a limited number of individuals who, from their position, may be supposed to be independent of all improper influence.

Private Tuition.

14. I think it is unquestionable that almost every subject may be more easily and thoroughly taught to an individual than to a class. This will always be felt both by teachers and pupils, and therefore, there will always be a tendency to private tuition. I do not think the system could be, or ought to be, abolished; but it might be regulated; and the need for private tuition would be diminished in proportion as the public instruction was improved. The effect of private tuition on the Tutor is, I think, *for a limited time*, good; because it obliges him to make sure of his own knowledge of the subjects he teaches, and to clear his ideas as much as possible. But, if long continued, it is hurtful, because it tends to prevent his progress and improvement. As to its effect on the Pupil, of course that depends chiefly on the ability of the particular Tutor he selects, at least under the present system. Speaking generally, it may be said that the defects in private instruction arise chiefly from the tendency in young teachers to attribute undue importance to their own particular views and modes of thought. Upon the whole, I think that a system of private tuition, well regulated, and kept in connection with and subordination to the public teaching of the University, would always be useful.

Bodleian Library.

15. From my own experience two improvements strike me as desirable in the regulations of the Bodleian Library.

1. Reading-room.

First, that the hours allowed for reading should be extended. This might perhaps be done, without increasing the time of attendance of more than one or two of the Librarians, by means of a Reading-room, into which persons might take books from the Library, and keep them there after the Library is closed.

2. Books of reference to be kept together.

Secondly, that all *books of reference*, especially those in many volumes, such as Cyclopædias, Scientific Transactions and Journals, &c., should be kept together, and that persons wishing to consult them should have free access to the place where they are kept, and be allowed to take down the books for themselves. To those who are engaged in a search for information on any particular subject, it is a great hindrance to be required to specify the particular volume they want out of a series of thirty or forty. And although I believe access to the books themselves is at present occasionally allowed in such cases as a favour, I think it ought to be allowed as a rule, with every possible facility.

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I do not think it desirable that persons should be allowed to take books away from the Library.

I believe that the present Librarians afford every possible facility to readers consistent with the existent regulations.

I think it doubtful whether sufficient provision exists for keeping all departments of literature and science as complete as they ought to be in the Library. The Librarian is always ready to supply deficiencies pointed out by any person whose opinion is entitled to consideration. But this is an uncertain mode of doing what might be done with certainty and as a rule.

Accounts laid before Convocation.

16. I conceive that the propriety of laying periodical statements of the University accounts before Convocation is unquestionable. At present Members of Convocation are frequently called upon to vote for or against grants of money for particular purposes, without any information whatever as to the amount of the fund from which the grant is to be taken.

Questions relating to the Savilian Professorship of Astronomy.

Savilian Professorship of Astronomy.

1. Endowment.

1. The endowment consists of the rents of certain land left by Sir H. Savile. There are four farms, the proceeds of which are equally divided between the Professors of Geometry and Astronomy.

During the eight years that I have held the Professorship of Astronomy, the actual annual income of the Professorship (deducting expenses of repairs, valuations, &c.) has been, on the average, not quite 275*l.* No other sources of income are attached to it. (See also answer to question 5.)

2. Qualifications.

2. The person to be appointed is required by the statute to be of good fame and honest conversation; of any Christian nation, and any rank or profession; to be thoroughly instructed in Mathematics, having first imbibed a knowledge of Philosophy from Aristotle and Plato; and to possess at least a moderate knowledge of Greek. He must be at least 26 years of age, and, if English by birth, must have taken the degree of M.A. regularly (without dispensation as to time or exercises). (See the Savilian Statutes in the Appendix Statutorum.)

3. Residence.

3. A residence is at present provided for the Professor, but not by the original endowment. Dr. Wallis (formerly Professor of Geometry) left to the University, for the benefit of the Professors, the lease of two houses belonging to New College. This lease will soon expire (I believe in 1854), and then the Professors will have no residence, unless some new arrangement be made. At present the Professors pay nothing for their houses except rates and taxes.

No Lecture-room is provided. It is my custom to lecture at my house.

Library.

There is a Library, chiefly consisting of books left by Sir H. Savile and Dr. Wallis. There are no funds for keeping it up, and it therefore contains no modern books except the published Observations of certain Observatories, which are regularly presented to the Library.

The Library contains also a few old instruments and models, &c., now entirely useless.

In 1849 I applied to the University for a grant of 200*l.*, to be expended in the purchase of instruments for the illustration of my Lectures. This was immediately granted, and the money was spent partly in the purchase of instruments, and partly in fitting up a small room at the top of my house (which appeared to have been formerly used for a similar purpose) for their reception. The room is ill-adapted for the instruments, and inconvenient for the reception of pupils. I have, nevertheless, found it of some use.

4. Statutable requirements.

4. There are specific duties required of the Professor by statute; namely, to lecture on Astronomy, Optics, &c., and to make and record Astronomical Observations. With respect to the last requirement I intend to say something below. With respect to the Lectures, nothing is required which might not be profitably enforced, except the use of certain books which are mentioned as text-books for Astronomy; such as the Almagest, and others now obsolete. (See the Savilian Statutes, § 2.)

5. Appointment.

5. The Savilian Professors are elected by the following official persons:—

The Archbishop of Canterbury, the Lord Chancellor, the Chancellor of the University, the Bishop of London, the Principal Secretary of State, the three Chief Justices, and the Dean of Arches; with the advice (if they please) of the Vice-Chancellor of the University.

The office is for life. But the Professor is removable for immorality, notorious incompetence, or intolerable negligence.

Also, when incapacitated by age or permanent sickness, &c., he is to be removed from his office, retaining, however, one-third of his stipend for life, unless he have otherwise 100*l.* per annum. His successor to be content with two-thirds of the stipend until the death of the retired Professor.

Also, he cannot retain his office along with any ecclesiastical preferment (with or without duties); nor with the Headship of a College or Hall; nor with any public office in the University, such as that of Vice-Chancellor, Proctor, &c., nor with a Fellowship of a College.

6. Lectures.

6. The subject of the Lectures has generally been Plane Astronomy, including the elements of Practical Astronomy. I have once had a class in Physical Astronomy.

It has been my custom to give notice of Lectures three times in the year, namely, at the beginning of Michaelmas, Lent, and Easter Terms. A Class has usually been obtained once or twice in each year, and a course of from twelve to sixteen Lectures given. The

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average number of the Class has been about three. No fees are paid by the Pupils. I have always required that persons attending the Lectures should have a previous knowledge of certain branches of elementary Mathematics; but during the time that I have held the Professorship I have only had to reject two applicants in consequence of this requirement.

No fees.

General state of the Study.

7. The scientific study of Astronomy requires to a certain extent a previous mathematical education. It could not, therefore, be expected that Astronomy would be much cultivated in a University where Mathematics were neglected. Whenever the number of mathematical Students shall increase, the number of astronomical Students will probably increase in the same proportion.

The Professor of Astronomy in Oxford has not, *ex officio*, the charge of any Observatory. This circumstance is, on the one hand, a great advantage, as it relieves him from the labour of the corresponding duties, which, in the present state of the science, are such as to be, in my opinion, incompatible with the efficient performance of Professorial functions by the same individual. On the other hand, it is a disadvantage, inasmuch as it deprives him of the opportunity of familiarising either himself or his Pupils with the actual use of instruments.

Savilian Observatory.

The small Observatory mentioned in the answer to question 3 was established at my request, with a view to obviate this disadvantage. In the present state of astronomical studies in Oxford, the inadequacy of this Observatory is of little consequence. But in the event of any considerable increase of the number of mathematical Students, it would be, in my opinion, very desirable that a more suitable locality should be provided; that it should be supplied with more instruments; and that there should be a fund for keeping it up and supplying the Library with books. I think it is to be considered that practical Astronomy is not merely a means of obtaining astronomical results, but is also capable of being made highly useful as an instrument of intellectual discipline and cultivation; as it depends, in its fundamental parts, upon simple applications of elementary geometry, and requires very clear conceptions and exact reasoning, without involving (so far as it needs to be taught for educational purposes) the more abstruse parts of Mathematics. On this ground, therefore, I think the existence of an educational Observatory desirable, as well as on the further ground that it would afford to Students the opportunity of becoming actually acquainted with the phenomena of the heavens.

Radcliffe Observatory.

The Radcliffe Observatory was founded in 1772, at the request of Dr. Hornsby, then Savilian Professor of Astronomy, and was intended by him to be employed for purposes of instruction, as well as for those of a regular public Observatory. I am not aware, however, that this intention was ever carried into effect. The offices of Savilian Professor and Radcliffe Observer were held together by Dr. Hornsby, and by his two immediate successors. They were then separated, and it is not probable that they will ever again be united; nor do I think it desirable that they should. The Radcliffe Observatory is not a University institution, and the Observer is not appointed by the same electors as the Professor.

The duty of the Observer is to employ his instruments for the advancement of the science; and he ought not to be required to use the same instruments, or allow them to be used, for any other purpose. It is not, therefore, in my opinion, to be considered that the Radcliffe Observatory supplies, or could supply the wants of the University, so far as the instruction of Students is concerned. At the same time its existence renders unnecessary that part of the Savilian Statutes which (as mentioned above) requires the Professor to make and record observations for the advancement of science; a requirement with which he cannot comply because he is not supplied with instruments; and with which it is not desirable that he should comply, because his time is, or ought to be, otherwise fully occupied.

W. F. DONKIN.

Rev. Robert Scott, M.A.

Answers from the Rev. Robert Scott, M.A., Rector of South Luffenham and Prebendary of Exeter; late Fellow and Tutor of Balliol College, Oxford.

Expenses.

(I.) The importance of restraining extravagant habits, and diminishing expenses at the University as far as possible, must have been impressed on all who have had a share in College tuition. I will not say that they have been always as watchful as they ought. But it is right to state that the expenses over which they have any direct control, form a scarcely appreciable item among those which are really objectionable in any extravagant young man's debts. *College* expenses, no doubt, vary:—and great vigilance ought to be exerted. But all *necessary* College expenses are moderate, when compared with those of other modes of life. It is *fashion* which causes immoderate expenses. And the seniors do not set the fashion. Young men set the fashion one to another. The University incurs the odium, only because it receives them at the age when such expenses first become possible. If the discipline of a school was observed at Oxford, the critical point of time would only be postponed to the next stage of life.

But, no doubt, more might be done, if the University and College authorities were assisted in their efforts.

Parents.

1st. Parents ought to support them. Tradesmen give credit for goods illegally supplied, because they *know* that (however loudly an indignant parent may appeal to College authorities to support him in resisting such charges) he will pay at last, rather than leave a stigma on his son's character as a man of honour. It happens not unfrequently that this is done by parents, after they have placed the affair in the hands of the head and tutors of a College, and after these have distinctly refused payment.

2nd. The law needs to be altered before due protection can be afforded. Were it not for the great and reasonable jealousy felt of *any* application to Parliament on the part of the Universities, this particular application would certainly have been made. If Parliament should interfere with them at all, there is no point on which their well-wishers would so readily accept its interference as on this. The need of such legislation is the greater, since, from the new facilities of transit, it is no longer with Oxford tradesmen, but with *tradesmen and money-lenders throughout England* that the contest lies.

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Alteration of the law.

Without asserting that I know a remedy for the evil, I should suggest, *for consideration,* two propositions:—

Suggestions for diminishing debt.

a. That previous to the recovery of a debt due from an Undergraduate to a tradesman, it should be proved that the bill was delivered to the debtor before the end of the term in which the debt was incurred [or, in the first week of the term next ensuing]; and that, in default of payment [within a given time], a duplicate of it was delivered to the tutor of his College.

b. That all persons *in statu pupillari* at the University [or until a certain standing there] should be considered *in law as infants;* so as to extend the plea of *non-age* to that period; at least in reference to all debts contracted, or bonds given during the parts of the year, for which they are required to reside at the University.

[See also under § 6.]

PROCTORS.

(4.) The appointment of the Proctors is by a cycle, which, if ever accurately proportioned, is certainly not so now. In case of alteration, the average number of the members of Colleges, *not on the foundation,* might probably be admitted as an element, as well as of those on the foundation. It does not appear to me that the *principle* of such a cycle is vicious, if it were fairly adjusted with reference both to Colleges and Halls. So long as the relation of the Proctors to the executive and legislative bodies of the University (*i. e.* the Hebdomadal Board and Convocation) remains as at present, it would be highly inexpedient to open a door to combination and intrigue in their election.

PROPROCTORS.

But their duties of police press upon them with disproportioned weight, on account of the short period during which they hold office. Perhaps it might be advantageous that *two Proproctors* should be nominated each year to succeed to the office of Proctors in the next. They would thus acquaint themselves with the ordinary police duties, before the other responsibilities of the Procuratorial office came upon them.

UNIVERSITY EXTENSION.

(6.) The object of extending the benefits of the University to a larger number of students is so desirable, and so important, that the suggestions under this head must be considered in detail. It will be convenient to postpone the first, until the remainder have been touched upon.

LODGING IN PRIVATE HOUSES.

(6. 2.) I trust that the permission given to Undergraduates to lodge in private houses may be, if possible, *withdrawn,* certainly not extended. I have strong reason to believe that it directly causes grievous actual sin, and tends to foster immoral habits; and I feel convinced that no applicable amount of superintendence can make it harmless.

(6. 3.) The suggestion that students should be allowed "to become members of the University, without being subjected to the expenses incident to connexion with a College or Hall," is liable to the grave objection assigned in the last paragraph; and is open, besides, to others of a more special description, *e. g.*:—

a. It is a mistake to speak of the expenses incident to connexion with a College or Hall. There are expenses (sufficiently extravagant in many cases) incident *to the residence of a young man in Oxford;* but *cæteris paribus,* the expenses are less within College walls than beyond them. This is too plain to need proof.

b. Again, the existence of such a class as is here referred to, if in numbers sufficient to make the change worth making, would not extend the University as it exists, but would substitute something entirely different for it; so different, that it would render all inquiries into the present constitution and working of the University worthless, and all attempts to improve it abortive.

ADMISSION OF STRANGERS TO PROFESSORIAL LECTURES.

(6. 4.) For reason (*b*), as stated above, it would seem unadvisable to allow Professors to give *certificates* of the attendance of strangers at their lectures; as it would be virtually an inadequate and surreptitious mode of carrying out the last suggestion. But there would be little objection to the admission of individuals, though not members of the University, to the lectures of Professors, (1) at the Professors' discretion, (2) for a time, and (3) *gratuitously.*

AFFILIATED HALLS.

(6. 1.) What has been stated may lead us to enquire whether the object of extension may not be effected in a mode less alien to the ancient constitution and practice of the University, viz., by the establishment of Halls, either as independent societies, or in connexion with Colleges, but especially in the latter connexion. Let it be assumed,—

a. That it is desirable to suppress the system of private lodgings for Undergraduates.

b. That a marked change is taking place in the course of the University studies and the periods of the examinations, which will break up the residence of the student into new divisions.

c. That these divisions will be principally two, of which the first will be more immediately under Tutors, the second more immediately under Professors.

d. And that these changes will necessarily demand a large increase in the number of Professors; for whose due maintenance provision must be made.

The plan which appears to combine advantages in all these points of view is, that individual Colleges (or two conjointly, should need require—but this is less desirable) should establish Halls (as was often done in old time) supplementary to their own organization. Such old

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Halls, indeed, sometimes served as *preparatory schools* to the Colleges. But, instead of that arrangement, let the Undergraduates of the College* be removed into the Hall thereto attached, at that period of their residence at which they pass from the Tutors to the Professors. Let a Professor (of course, with a preference to one who is a member of the College) be appointed head of each Hall, with residence in it, and the Guardianship (*i. e.* Tutorship, in that original meaning of the term which would still be applicable) of the junior members. Let these new Halls be placed at once under strict rules of economical discipline. By *tentative* reforms in this respect, the best means of enforcing economy in the mother Colleges might be discovered; as the systems of these Halls, being experimental, need not to be uniform. It is *as yet* too early to decide on any *one* scheme as THE REMEDY for the evil of University extravagance. Those who have to inquire for such remedies will do well to compare the systems of different Colleges at both Oxford and Cambridge, and also elsewhere, where more direct efforts have been made in this direction. St. Augustine's College, Canterbury; Trinity College, Glenalmond, Perth; the Charterhouse; Christ's Hospital; Marlborough College; St. David's College, Lampeter; may all furnish valuable data. Bishop Hatfield's Hall, Durham, is doubly important, as affording an example of an economical system, *working in the same University with another less economical*;—a plan concerning the results of which there is much difference of opinion and some conflict of testimony. There seems to be some ground for fear that the organization of a system *professedly* economical by the side of another which is not so, may be construed into a direct sanction of needless expenses in the latter.

Such an increase of the number of *Heads of Houses* as this suggestion involves, would probably make it necessary to modify the present constitution of the Hebdomadal Board. I am unable to say whether this is an insuperable objection to it.

EXAMINATION AT MATRICULATION.

(7.) No one ought to be matriculated without examination. But it does not seem objectionable that different Colleges and Halls should require different standards of proficiency. As, therefore, one general matriculation-examination would imply the universal application of *the lowest* standard, it would seem better to leave the examination to the Colleges, &c., themselves; requiring, on the part of the University, a certificate from the College authorities of a stated amount of proficiency, corresponding to the minimum above-mentioned.

(7. *b.*) As a new system of examinations has been created, but not yet tried, at Oxford, it seems unwise, at this juncture, to discuss the expediency of further changes in the requirements for the first degree.

HIGHER DEGREES.

(7 *c.*) Doubtless it would be desirable to make the higher degrees less matters of form than at present. But, pressing as the calls of every department of society are, it is more than doubtful whether students can be detained at the University to study for these degrees. It might even be found to operate as a *disfranchisement* of all members of the University hereafter, excepting Fellows of Colleges, if such an experiment were tried in reference to the degree of M.A.

PROFESSORIAL SYSTEM.

(8.) The expediency of making more use of the Professorships in the education of students at Oxford is generally recognized. My absence from Oxford for the last 10 years disqualifies me for the discussion of details. But it is notorious that in many departments the Professors are not nearly numerous enough to take an effective part in the general education of the junior members of the University. And if the progress of change tends towards the relief of the Tutorial body from a portion of the functions, which (in the practical abeyance of the Professorial system) has devolved on them, this deficiency will be more and more felt. And it would be well for the University, and for learning and science in general, if there were more inducements for men of eminence in their several departments, to remain at Oxford, pursuing their own investigations, and imparting to others the results. The effect of the present state of things is too often to make a bad parish-priest out of a good University Professor.

Removal of restrictions.

But to this end many of the restrictions must be removed, which at present interfere with the utility of the Professorships; that, for instance, which limits the tenure of some of them to a few years. The incomes attached to them must be placed on such a footing as to secure the permanent services of efficient men. If a large increase of the Undergraduate body, and a fresh apportionment of their studies between the Tutor and Professor could be at once combined with the increased number of Professors, something might be raised for this end from the fees as now paid to Tutors. But this would not suffice for the whole. And it would

Endowments.

be important that a certain amount of income should be secured to the Professors from less precarious sources.

Ordinary and Extraordinary Professors.

The *Ordinary Professor* (to use the Continental phrase) in any department, might, at no heavy cost, avail himself of the services of *Extraordinary Professors,* or *Lecturers* (if he had the means of paying their services) among the Fellows of Colleges. The class which now furnishes Private Tutors would thus have a work, perhaps less lucrative, but more interesting, and reflecting more credit on themselves; and they would be trained for the University and College duties to which they might afterwards succeed. Such co-operation of several Lecturers, under the direction of one responsible Ordinary Professor of the Faculty, would probably work better than the establishment of co-ordinate, and perhaps rival, Professors. At least, on the Continent, the rivalry of Professors is sometimes found to lead to illiberal competition. It would also require a smaller fund for their income. And it would create a body of competent candidates in each faculty, from which the successors to vacant Professorships might be selected with less risk of mistake, wherever the patronage might lie.

Retiring salaries.

The provision of some retiring income for superannuated Professors would be very desirable, and would often release conscientious men from a painful dilemma. Perhaps the object might be effected by the appointment of "*Assistants and Successors,*" to enter at once on the duties of

* If not on the foundation, they are at present sent into lodgings when they arrive at a certain standing.

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the Professorship, leaving a fair portion of its emoluments, along with the official rank, to the retiring Professor. In many departments this is found to work well; and the Assistant is contented with a very moderate income at first, in the assurance of the reversionary appointment. The arrangement made at the first appointment of the Professors of Pastoral Theology and Ecclesiastical History will illustrate this, as a financial expedient when larger funds are not forthcoming.

Mode of appointing Professors.

(9.) Every mode of appointing Professors is liable to very serious objections: and the proportionate gravity of these impresses different minds differently. But all, I believe, agree that the patronage in the hands of Convocation is apt to be the worst exercised; because in so large a body the sense of individual responsibility is in danger of being lost; public opinion affords no available check; and voters are hurried away by the excitement of an election. Perhaps it would be wise to let the mode of appointment be varied, so that one may act as a check upon another.

Restrictions on Fellowships.

(10.) It would be very advantageous that all restrictions as to the election of Fellows of Colleges should be relaxed, so far as it can be done without violating the manifest intentions of the Founders. But I should earnestly protest against any systematic disregard of these intentions, or a substitution of mere secondary to primary objects in the disposal of their benefactions. If the alteration of the objects of much of the Church property, *rendered necessary** by the Reformation, be cited as an argument for such a change, it appears to me inapplicable here; for as there were many religious foundations, without special functions in reference to education, existing before the Reformation, all bequests to the Universities or their Colleges (even if charged with the duty of celebration of masses, etc., for the souls of the Founders) must be understood as *primarily* left for the advancement of religious learning and education. I infer, therefore, that the Reformation left the *primary* object of all our Oxford foundations intact. And that this may be carried out, let the most liberal interpretation which would be honest, be given to the words in which a Founder indicates the recipients of his bounty. If it could be fairly done, I should gladly see all Fellowships thrown open, if not to the whole University, at least to all members of each College. But I believe that it would be dishonest: and I cannot consent to deprive localities of the advantages specially secured to them by the bequests of Founders, &c. Much might, however, be done by visitors under some general legal authority. It might be well to try in different foundations different means of relaxation. For instance, where there is a limitation of birth to a certain district, which may seem to have been marked out by the Founder's birth or residence there, education (for a given time) at schools within the district might be accepted as a qualification as well as birth; so, too, the permanent residence of parents (being defined carefully) might be admitted, where the accident of birth might exclude. In other cases there may be reason to conclude that the local interest of *property* has been the cause of the preference. And here the advantage might fairly be extended to all the districts in which the College was possessed of property. When Founder's kin, or the kin of any family, have a preference, the publication of the "Stemmata Chicheleana" may supply an example and a precedent of enlarging the field of choice: but I must own that I do not think the case of such claimants deserving of so much consideration as the others. The process of extension could not be fairly carried out without a careful examination of the circumstances of the original foundation; because these must interpret the intention of the Founder. But if due attention were paid to these, a large proportion of the evil might be done away without any violation of principle, such as would be involved in an entire abolition of restrictions. Nor would such extensions be likely to prevent all persons who are favourable to the system of preferences, from giving funds for University purposes hereafter. More sweeping changes might easily produce this effect.

should be abolished if possible.

Different possible modes of relaxation.

If the question refers also to the retention of Fellowships after marriage, I must express my belief that this would be a fraud upon the junior members of the University, (who require a maintenance during their studies,) in favour of those who ought, before marriage, to have sought out a permanent provision, such as a Fellowship was never meant to be. The *choking* of Foundations, through the too long retention of Fellowships by those who are not formally disqualified, is an evil of sufficient magnitude without this aggravation.

Marriage of Fellows.

Distinctions of Rank.

(11.) The *present* distinctions between Grand Compounders, Petty Compounders, and ordinary Graduates, are a deplorable absurdity. It would indeed be well that they should be done away; for they oppress numbers who are in possession of a small property without hope of more; while they do not touch the heirs apparent to the largest estates in the land.

Grand Compounders, &c.

The distinctive class of "Gentleman-Commoner" might also be removed with great advantage. I do not think that it would be advisable to destroy that of *nobleman*, because it represents one of the positive distinctions of our political and social constitution. But there is much room for practical modifications of it. The distinctions made at matriculation are of no use and involve no principle of which I am aware.

Gentleman-Commoners.

Noblemen.

Study of Theology in Oxford.

(12.) In answering the question which refers to the preparation of candidates for Holy Orders, I should wish to draw a distinction between the scientific study of Theology and that which is required for the due discharge of parochial duties; which latter I do not call *pastoral*, only because that word is, in common use, applied to one single portion of it. Undoubtedly, for the scientific study of Theology the University is the proper place. Everything combines to make it so. But I am very much inclined to doubt whether it has the same advantages with reference to the ordinary preparation for the parish priests' office. It is confessed that whatever may be done to revive professional education in the Faculties of Law and Medicine (and much may be, and, I trust, is likely to be done), the

Scientific study of Theology.

* I use these words to exclude all reference to the bestowal of Church property on private individuals;—which was certainly not *necessary*.

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Oxford not a place for parochial training,

University cannot issue its lawyers and physicians thoroughly accomplished for their work. Other schools must be resorted to. And I cannot but think that the case is in some measure the same with parish priests; and that it would be a more effective system of preparation for *their* office, if a collegiate system of theological training were organised in cathedral cities by the agency of Bishops and Chapters; if (for instance) certain members of the cathedral body were charged with the studies of the candidates for orders, and assisted them with the results of their own pastoral experience. The Bishop's Chaplain, who is to be responsible for their sufficiency, might thus contribute to it and watch their progress; the Chancellor of the Cathedral might thus fill with additional usefulness and dignity that original office of *Master of the Church School*, from which the title was derived to the chief officer of every University.* The other members of the Chapter might guide and enlighten the Students in the various practical duties and trials of their future calling, with especial reference to the difficulties and exigencies (differing so widely as these do) of their respective dioceses. The Bishop might watch over those whom he is afterwards to ordain, and gain clearer knowledge of them, and draw them onwards by other ties than those of mere authority and subordination. The Students themselves would have a space of breathing-time in a more retired air, before entering on their new and solemn calling. The separation from old social and local temptations would give to those who had yielded to such influences at the University a *locus pœnitentiæ*, and a favourable opportunity of putting good resolutions into practice. There would be less difficulty in maintaining strict economy in a collegiate system, when such a break had taken place in a young man's course; and the ultimate object of all this discipline and study would be more forcibly presented to the Student's eyes, apart from the mixed studies and society of a University. There would be facilities for really learning the strictly pastoral duties of the priesthood, such as the lecture-room of a mere Professor cannot supply, and which the City and University of Oxford, from various reasons, do not sufficiently afford. I have stated the convictions which have been forced upon me by an experience of *seven years residence as a Graduate* in Oxford, and *ten years of labour as a Parish Priest* in the country.

rather the Cathedral towns.

PRIVATE TUITION.

(14.) It may be hoped that the transfer of a considerable portion of the present work of the Tutors to a larger body of Professors, may enable the Tutors of Colleges to supply to a larger extent that teaching which at present is sought from private tuition. This, even if it be considered merely as a matter of finance, is a crying evil. It is one of the few expenses really falling very heavily on the poorer class of Undergraduates, for which the University may be considered responsible. Fifty guineas per annum is a monstrous addition to the cost of University education. And in this case it falls precisely on those Students who require most to be relieved from all burdens.

I do not believe in the *necessity* of such assistance. It was certainly not unavoidable in my own time; as I can testify from my own experience and that of others. But it is a breeding mischief. It tends to an unwholesome course and mode of study, such as the word *cramming* designates. It increases the unavoidable tendency to look on *the examination* as the sole end of study, and a man's place in the class list as the sole acquisition to be sought. It re-acts upon the character of the examination itself; and it has even cast suspicions, however causelessly, on the fairness of the examinations.

Evil of the office of Private Tutors as Public Examiners.

I feel sure that there has been no real cause for suspicions of the kind. But I must state, —for the topic is too important to be passed by from feelings of delicacy,—that the appointment of Private Tutors to the office of Public Examiners has at times an effect in increasing the number of their Pupils;—and that, in fact, it has sometimes occurred that the Pupils of Examiners have been able to draw conclusions, which have not deceived them, with respect to portions of the examination they were to undergo. I am here speaking of an earlier period; but I am speaking from positive knowledge of facts. I have known Pupils place themselves under a "Private Tutor," avowedly because he was about to be one of the Examiners. And I have known Pupils who have discovered, from the manner and conversation of an incautious Tutor, what sorts of questions were likely to appear, and, in fact, *did* appear in the examination papers. A system which exposes the Private Tutor to such treatment as this must be vicious in itself and demoralising to the pupil. There may be similar risks in the case even of College Tutors (and hence the rule that no Candidate shall be examined *vivâ voce* by a member of his own College); but all who are conversant with Oxford examinations know that this difficulty is infinitely greater in the case of Private Tutors. If the system of private tuition remains unaltered in other respects, it should at least be enacted that no Public Examiner should take any Private Pupil whose certificate it will be his duty to sign.

BODLEY'S LIBRARY.

(15.) A gentleman of my acquaintance some years ago purchased, in a bookseller's shop, a book belonging to the Cambridge University Library. This fact will show how much care will be necessary, if the circulation of the books of Bodley's Library (not being duplicates) is permitted.

Considering how important it is that Students should not only have the use of good books, but should also have reasonable assurance that they shall find them by going to a particular spot, it may be doubted whether it is expedient to allow the books of Bodley's Library to be removed from the building. A large part of the collection, I believe, could not legally be so dealt with. My own belief is that the appointment of additional officers, and arrangements for still more facilitating and encouraging study in the library itself by means of retired reading-rooms or studies, and by increasing the number of hours during which the library may be daily used, would be a better mode of extending the usefulness of the library.

* Vide Huber, *Die englischen Universitäten*, I., p. 21, seqq.

Answer from John Conington, M.A., Fellow of University College, Oxford.

John Conington, Esq., M.A.

SIR,

I HAVE the honour to lay before Her Majesty's Commissioners a statement of my views on a few of the points raised in their paper of questions relative to the condition of the University of Oxford. I hope to confine myself strictly to the consideration of such matters as more immediately affect those who, like myself, have passed through the Academical course, are anxious to reside within the University, and devote themselves to the advancement of learning. For the sake of convenience I shall arrange what I have to say under three of the heads suggested by you—Restrictions on College Fellowships—the system of Private Tuition—and the increase of the Professoriate.

RESTRICTIONS ON FELLOWSHIPS.

(*a*) On the utter inexpediency of all local restrictions on Fellowships I think it unnecessary to say anything. That they make the interests of learning and education dependent on the accident of birth is their one sufficient condemnation. Their defence rests on grounds which are denied by the very fact of the institution of a practical inquiry—the inviolable sacredness of statutable rights. It is a misfortune that any College, in late times, should have accepted benefactions subject to these limitations: and the result which has been apprehended in the event of their abolition, the cessation of similar benefactions for the future, would, in my judgment, be a blessing rather than a curse.

Local restrictions.

Akin to this, is the question of the manner of election to Fellowships. Here again I can scarcely believe that a *bonâ fide* defence can be set up for the nomination system, either in whole or in part, in spite of certain fallacious analogies which have been drawn from the appointment of Officers of State. In the hands of perfectly wise and good men, thoroughly acquainted beforehand with the merits of the candidates, nomination might be the most obvious and unobjectionable course; as it is, the greatest facilities are plainly given to favouritism, whether open and avowed, or disguised under party prepossessions. An examination is adapted, as far as it goes, to test those qualifications for which Fellows are, or ought to be, mainly chosen: and its special advantage is, that it enables every candidate to assert his claims—the unknown as well as the known. No one will pretend that it is infallible: but it can be shown to have infinite advantages over any rival system.

Individual nominations.

(*b*) Another restriction, operating not so much on the election to Fellowships as on their tenure, is that which requires Fellows, in the majority of instances, to take orders sooner or later. The inexpediency of this regulation is not so apparent, as it answers a purpose which is at any rate quite intelligible, though not specially contemplated by Founders' intentions. Nor have I any objection to admit that the presence of a considerable clerical element in Oxford is, on many accounts, a desirable thing. That nearly the whole of the emoluments of the place should be in the hands of the clergy, I cannot but think eminently undesirable. I am not saying this with reference to the other professions, Law and Medicine, though in the present state of the University legal and medical students are surely at least as proper objects of charity as non-resident or sinecurist clergymen. But, looking at Oxford as a place for working residents, I am anxious to assert a distinction between the interests of *Learning* and those of *Education*. For Education strictly so called, involving more or less the personal superintendence of the pupil by the tutor, a clergyman may on the whole, *cæteris paribus*, be more competent than a layman. But a student, whose object is not to form human character, but to pursue some one line of thought or research, must necessarily be hampered by the addition of clerical responsibilities. A literary or scientific man will naturally feel that he can follow his calling efficiently from the simple motive of conscientious zeal. The clerical office is not needed as a *sanction* to duties already existing: while, by imposing the appearance at least of fresh, and very possibly uncongenial duties, it can only distract the conscience and unfit the intellect for grappling with the work which it has deliberately chosen. Thus the restriction is a palpable evil to the University, depriving it of some of the ablest men, and injuring, intellectually as well as morally, those whom it continues to retain. There is also this further consideration, that the clerical Fellow, though taking orders rather from academical than from clerical reasons, will not unfrequently be led to make the best of his position, and accept any piece of preferment which may fall in his way, thus involving himself in actual clerical work, and perhaps quitting the University altogether. Whether the loss of the University is the gain of the Church, is a point which I am not concerned to discuss, but which, certainly, cannot be ruled at once in the affirmative. I am here, of course, assuming not only that in a University the interests of learning and study ought to be as jealously maintained as those of education, but that College Fellowships in particular may as properly be held by the resident student as by the tutor. If this be allowed, it seems plain that a grievous wrong is done by the present system so far as it bears upon the student Fellow, and consequently that some considerable relaxation of the rule of compulsory orders is imperatively demanded. This is my main proposition: but I should be inclined to go further, and doubt whether education would be injured by the total abolition of the rule. Even if the clergy are on the whole the best tutors, it does not follow that tuition should be confined to the clergy. In the present state of society too, I believe that a large proportion of resident College Fellows will always be ready to take orders of their own accord. At Wadham College, where no such rule exists, most of the Fellows are clergymen, even including the non-residents. Merton and All Souls will hardly be quoted as instances to the contrary. Education is not likely, at least for some time to come, to become so definite and substantive a profession that men in general will be unwilling to combine it with orders, especially if College livings continue to exist. Should a deficiency of the clergy still be apprehended, it would be easy to provide for the College chapel by the institution of Chaplaincies or Chaplain Fellowships, such as already exist at some of the Colleges. I do not say that the total abolition of clerical

Clerical restrictions.

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restrictions would be the best mode of proceeding, but I fancy it may be found to be the simplest, and thus it is of some importance to show that it is unobjectionable on other grounds.

Celibacy.

(*c*) The last restriction to be considered is that of celibacy—a restriction which differs from the rest in its extent, being not merely general but universal. Like that of orders, it is not purely arbitrary, but serves a distinct purpose, though scarcely that which originally suggested its introduction. Yet it would be difficult to make out that the end here, any more than in the case of orders, either justified or necessitated the means employed. The end I take to be two-fold —to carry out the Collegiate system by securing the residence of tutors within the walls, and to expedite the succession to Fellowships by increasing the chance of vacancies. The first thing to be observed is that these considerations, taken at their best, obviously apply to a part only of the body of Fellows, not to the whole. Some indeed may imagine that a complete staff of Monastic residents, whether employed or not, is necessary to the full efficiency of the Collegiate system: but I think we may assume that the exigencies of the time will be content with something short of such absolute mediæval perfection. Those for whom residence within College walls is desirable are clearly the tutors: those whose Fellowships it is important to make terminable must be the sinecurists and the non-residents. Here then, as in the former case, the student Fellows may be excepted at once, as there can be no object either in making them live in College or in removing them from their Fellowships after a certain time—provided of course that they disclaim all intention of taking part in College tuition and really devote themselves to literary pursuits. The smallness of their income may stand in the way of their marrying: but that is palpably a consideration for themselves alone, not, as some have supposed, for the public. Besides, in their case the restraint is peculiarly harsh, as they may be supposed willing to regard their Fellowships not as a stepping stone to anything out of Oxford, a College living or professional advancement, but as a means of preserving a life-long connexion with the University. Even with regard to the other Fellows, the necessity of the rule is not so clear as appears at first sight. So long as married heads of Colleges occupy a part of the College buildings, a proposal to allow a similar privilege to married tutors is not to be treated as an absurdity, much less to be put down by paltry sneers about domestic details. It is plain too, that the succession to Fellowships might be expedited in some other way than by making vacancies contingent on marriage. As things are at present, a clerical Fellow rarely thinks of marrying before he gets a living; or a professional Fellow before he is making a reasonable income in his profession. According to the existing rule, a living vacates a fellowship, and the possession of a certain professional income might be made to do the same under proper conditions. It may be said that the stimulus of compulsory celibacy is required as an inducement to Fellows to take livings or exert themselves in a profession; but surely this is an exaggeration. Useless Fellows are an evil in any case, and should be treated as such: but the way to get rid of them is by direct means—open election, which insures the choice of proper men, and the imposition of certain duties, which is a guarantee against subsequent indolence. Besides, it would be perfectly possible to make a certain number of Fellowships terminable *ipso facto* at a certain time, without any condition whatever, so as to secure a regular recurrence of vacancies. I have said thus much to show why I think the restriction of celibacy unnecessary, at least in its present extent. But even if it could be proved to be necessary for its particular object, it would by no means follow that the price paid might not be too dear for the advantage gained. But for the apathy which exists on the subject, it would be needless to say that there are social evils transcending in importance any consideration of academical expediency: and as such I conceive no unprejudiced person can fail to regard the existence of a body of men bound to celibacy. The position of College Fellows as persons to whom the younger students might naturally look for moral sympathy or direction, tends further to complicate and aggravate the mischief. I can hardly suppose that I am called upon to anticipate objections drawn from either monastic or economical considerations, though I am far from thinking that my argument would be weakened by a reference to either. Difficult as these larger questions may be, there can be no difficulty when the sole point involved is the existence of a local prohibitive law, to which there is nothing analogous in the rest of society, at least within the English Church. Were it not for the isolated and impracticable position of the Universities, which excludes them from public sympathy, it is hard to believe that Parliament would not have long since interfered to do away with so tyrannical and injurious a restriction. And now, that the University question is to be brought before the Legislature, I can only hope that neither prudery, nor indifferentism, nor the fear of ridicule, will prevent those who are charged with the duty of making a report from representing fully the seriousness of the grievance complained of. My convictions are strong, yet I should have hesitated to express them thus strongly, if I had not felt the case to be one where few voices are likely to be raised, and consequently where everything that is said has need to be decided and emphatic.

Married Heads of Houses.

Great evils which result from celibacy of Fellows.

Private Tuition.

So far as the Pupil is concerned, my experience would not lead me to speak unfavourably of private tuition. One great recommendation of the system is that it is voluntary. The Pupil takes a private Tutor because he thinks it necessary or desirable. The labour is self-imposed, and the expense incurred optional; and thus he will generally take some interest in his reading. Again, being free to choose whom he likes, he can consult his own special wants, and adapt his means with some precision to the end which he has in view. Cramming is undoubtedly an evil, substituting as it does the attainment of the minimum of knowledge by the minimum of thought in the minimum of time for continuous and *bonâ fide* study: but it cannot with justice be charged wholly or even principally on private tuition. If any system is in fault, it would rather be the examination system, which requires, as a proof of study, such knowledge as cramming can supply: and it may be worth while considering whether the test devised is not capable of improvement, at least in some of its details. But the real difficulty plainly lies deeper, and it is likely to continue so long as human nature is what it is. Any

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test of proficiency imposed from without is sure to be felt as more or less arbitrary or oppressive, not only by those who dislike learning altogether, but by those who are ambitious of distinction; and every expedient which does not involve conscious and actual dishonesty will be resorted to in order to evade its full force. Even a first-class man will in general value his degree not as a proof that he has passed successfully through the best conceivable course of education, but as a badge without which others would not give him credit for being what he feels himself to be. So far as it goes, private tuition rather tends to alleviate the difficulty, as preventing the preparation for the examination from being equally compulsory with the examination itself. The other great recommendation of the system is that it deals with individuals, not with classes, and thus enables the Tutor to see more of the Pupil. The advantage here is still greater, but not nearly so certain, depending more on the character and temper of the two parties than on the invariable operation of the system. Still, the Pupil can hardly fail to benefit more or less by having the absolute command of a certain portion of the Tutor's time; and as the arrangement is voluntary, it need not long continue after it is found to be unprofitable. I have endeavoured to speak of private tuition as it exists in the gross, but it is possible that I may have been thinking too exclusively of the effect of the better sort of Tutors on the better sort of Pupils. As to the question of expense, which presents an undeniable difficulty, I have said nothing, that being in my opinion a matter for wider consideration. When the merits of the several parts of the educational machinery now existing in Oxford have been severally estimated, it will be time, by a comparison of the results, to decide which can best afford to be spared.

The effects of private tuition on the Tutor are much more equivocal. It is not difficult, however, to account for this variety of experience. As things stand, the calling is tolerably universal, most men who have any claims to teach having recourse to it for a longer or shorter time after their B.A. degrees. They take Pupils because it is the natural thing to do—not very difficult or distasteful to one fresh from his own reading, and sufficiently profitable to pay the expenses of a residence which may be continued or discontinued at pleasure. Many of them soon quit the University for some one of the professions, which is, of course, their real object in life. Oxford is to them simply a convenience, and they take it as they find it. It offers them no professional advantages, but it offers society, and, to a certain extent, the means of general improvement; and if, in consideration of these, they agree to take part in the education of the place, the obligation is too mercantile to make it worth while for any but themselves to consider how far they are personally benefited by their employment. But in the case of residents the relation is different. They identify their interests more or less permanently with the University, which in return acquires certain duties towards them; and among these is that of providing them with employment at once suitable and remunerative. The suitableness of private tuition obviously depends on the course of life to which it is to be an introduction. So far as education, professorial or collegiate, is the student's object, he will be likely, I think, to derive considerable good from his work as private tutor. Having to deal with individuals, he gains the power of imparting knowledge according to the capacity of the recipient; and as his income depends entirely on his reputation for success in teaching, he has an additional reason for taking pains. His office will often be a thankless one, but that is only what can be said of every branch of the profession which he has chosen. As a general rule, he devotes himself to some particular subject in which he is supposed to excel, so that his knowledge will in most cases be sufficiently determinate for practical purposes. At any rate, it may be safely assumed that those pretensions which would justify a man in hoping one day to fill a Professorial chair would enable him to command a sufficient number of pupils in a single department of private tuition. This applies, of course, only to such Professorships as are connected with the subjects which enter into the University examinations; but in theory all the Professorships are supposed to bear on the academical course, and in practice the reforms which have happily begun are introducing private tutors into fields of knowledge hitherto untouched. It is undoubtedly desirable that those who are to teach others should themselves have some better teaching than is supplied by the recollections of their Undergraduate reading, or by the mere process of tuition: but this might be effected by the establishment of Professorial lectures for the younger Graduates, who for their own sakes would not be likely to neglect the opportunity of improving themselves in their calling. I think, then, that those residents who intend to take part in education, properly so called, may advantageously begin life as private tutors. But there is another class to which I have more than once alluded, a class whose work is literary rather than educational, and for these, I conceive, a very different preparation is needed. Oral and personal teaching is not their end, and private tuition will do them but little good as a means, though in the present state of the University they may not be disposed to forego the increase of income which it holds out to them. Persons who regard learning and education from a distance may easily be led into imagining them to be one and the same thing, so as to see no reason why a learned man should not be a Professor or a Schoolmaster; but there can be no occasion to press the distinction on those who take a nearer view. It would be unwise to expect a student to be a Professor, though the impersonal character of a general lecture approaches more nearly to that of a written book: it is infinitely more impolitic to make him give up those years when the passion for acquiring knowledge is strongest and literary ambition most ardent to the labour of communicating such information as may best enable the pupil to satisfy College or University examiners. The result is, that both literature and education suffer indefinitely by being thus compelled to encroach on each other's sphere. This I believe to be the real cause which makes the system of private tuition appear to be a hardship on the tutor. As a system it may be capable of improvement with reference to its own legitimate object: but the chief alteration needed is one which would remove the

Want of some provision for those who wish to live for Study.

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EXTENSION OF THE PROFESSORIATE.

necessity of its being conducted by men who might be more profitably employed in other pursuits.

The distinction which I have just been re-asserting between learning and education ought, in strictness of speech, to prevent me from offering any observations on this point, as it is not of the Professorial system that I am intending to speak. I should greatly rejoice in any reform which would give efficiency to that system, and am strongly of opinion that the funds at the disposal of the Colleges might with advantage be made available for such a purpose; but I have not sufficiently considered the question in its details to be able to do more than echo the opinions of others. On the other and more direct means of encouraging learning, the maintenance of a body of men, not as Teachers, but as Students, I may be naturally expected to say something more, as I have already made it evident that they occupy a prominent place in my consideration; and though the little attention which the subject has received from University reformers renders it difficult to suggest any plan for dealing with it practically, it is only a further reason for making the attempt.

If I have said nothing as yet to prove the expediency of securing learned and literary men as residents in the University, it has been because I did not conceive any proof to be required. The advantage is plainly mutual: the University gains by the presence of scholars and men of science, though they may take no direct part in education, while they gain from their residence in a place where their social position is assured by their learning and ability, and where there are so many facilities for study. They will not lecture, simply because they have other duties to perform, but they need not, therefore, be less worthy of their hire. They will not be merely pensioners, but they will be enabled to live without dissipating their energies in desultory efforts for the gratification of the public, or engaging in the grinding competition which is the natural law of less purely intellectual professions.

Such an element cannot be said to be fully naturalized in Oxford; but it exists more or less even at present. Some of the Professorships, as now filled, furnish examples of men who though unable or unwilling to succeed as lecturers, yet reflect credit on the University by their residence within its precincts; and the Fellowships, though really sinecures, and hampered besides by uncongenial restrictions, are occasionally held by persons who use their leisure as a means of gaining literary distinction. But these are rather fortunate accidents than anything else—few in number, and existing on sufferance, not by express recognition and encouragement; they are compelled to adapt themselves to existing institutions, and existing institutions are strained to meet them. Their existence does not preclude the need of change: on the contrary, it necessitates it, and indicates the direction which it should take.

The objects to be aimed at in proposing any such scheme of change are sufficiently clear. The provision made must be tolerably extensive, so as to offer a prospect of usefulness not to two or three only, but to many: it must be tolerably liberal, so as to relieve those who share in it from the necessity of resorting to anything else; and it must be accompanied by some guarantee, similar to that which requires lectures from the Professors, so as not to degenerate into sinecurism. With these conditions in view, it may be possible to approach the question practically, though without any definite hope of solving it.

Whence the funds might come.

The plan which I contemplate may be described either as a reform of the Fellowship system or as the erection of a new foundation. Externally it might be effected by re-arranging a certain proportion of the existing Fellowships, relieving them from such restrictions as orders and celibacy, and attaching to them new duties; but the endowments so created would necessarily have more of a University than of a Collegiate character. Those who are aware how completely the Fellowships have lost in modern practice their original and statutable office, and how vain it would be to expect them ever to recover it, will scarcely consider it a daring alienation of College trusts even if it should be proposed to treat one-third of the present revenues as available for the purposes of learning, leaving the remaining two-thirds, together with the Professorships, sacred to education. Such an appropriation of funds would at once supply the means of founding a large number of pensions, tenable without restriction by residents, who should resolve to devote themselves to literature or science, in some one of their various branches. These pensions might be classified according to the several Faculties which it was thought desirable to encourage, so as to allow each its due proportion of students. The Students should be elected, like Fellows, by examination, the tests proposed being stricter in proportion to the importance of the prize to be given away: *e.g.*, it might be desirable to require some essay or short treatise, as a specimen of original investigation in the particular subject chosen for study, so as to admit none but those who gave real promise of distinction. The right of election might be accorded to the Colleges, in consideration of their supplying the funds; but I believe it would be found much more advantageous to the interests of learning that it should be vested in a board of University functionaries, of whom the Professor of the particular department would, of course, be one: in time, too, it would be possible to allow the pensioners themselves a voice in filling up their own numbers, as would be the case in a College election. It would be necessary, too, that they should be subjected periodically, at least during the earlier part of their literary career, to some kind of additional examination in order to ascertain the use which they might be making of their opportunities, facilities being provided for the removal of such as should be judged unworthy of their position. For this there is already some precedent, not only in the case of certain College exhibitioners, who are examined terminally by the University Professors, but in that of the Travelling Bachelors at Cambridge, who are required to produce before the Senate some account of the results of their travels. Probably something in the shape of a yearly dissertation would be the least objectionable duty to impose; nor would there be any reason why such occasional publications should not assist rather than hinder the course of study. The examiners, who

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would have to decide on the satisfactoriness of these productions, might have the power of dispensing with them under certain circumstances, such as where the student was known to be engaged on an elaborate work; but the privilege ought to be very sparingly conceded. It may be hoped, too, that in a large proportion of instances literary ambition would prove a sufficient stimulus to exertion, and that the existence of a moderate amount of protection would not altogether interfere with the ordinary laws of supply and demand. Five hundred pounds a-year might be fixed as the limit which would prevent a writer from being utterly dependent on the public, and yet encourage him to increase his resources by his own efforts. It would be a matter for consideration whether some graduated scale could be introduced, so as to give an advantage to the older servants of the University, though this, after all, might not be needed. As the pensions would be tenable for life, except in the case of non-residence or the acceptance of any other appointment, not to mention more obnoxious causes of disqualification, it is manifest that a large number would be required to secure a reasonable prospect of vacancies. If one third of the gross amount resulting from the College Fellowships could be made available, it would be easy to establish five pensions in each of the principal departments of knowledge; and these, as compared with the Professorships, would open as large a field as could be desired for literary and scientific aspirants.

I have entered into these details with some reluctance, knowing that they are liable to meet with all manner of objections, and thus to discredit the principle for which I am contending. I can only say that I attach no value whatever to them in themselves, only suggesting them because I thought myself bound to put my notions into some practical form. For the same reason I have not sought to be more definite than appeared absolutely necessary. I have even left it doubtful whether I would connect my proposed scheme with the Colleges or with the University, as, though I think the latter the more feasible arrangement, I believe both to be practicable, and I know that there is likely to be a strong feeling against any diversion of College property from College control. But whatever may be the worth of the means, the importance of the end remains unimpeached. I fear that I have expressed my sense of its value very insufficiently, but I was unwilling to extend an argument which is already too long, and feeling the want itself to be real and deep, I could not suppose that those who have thought most on University questions would need to be reasoned into a belief of its existence. Any one who has experienced it must know that to be met at all it must be met fairly and fully, and that no extension of the *educational* advantages of Oxford, whether by revival of the Professoriate or by any other means, however desirable in itself, can be accepted in satisfaction of a deficiency which is not educational, but literary.

I would only say in conclusion that while my remarks have been mainly directed to one object, they are not incapable, I trust, of other applications, and so may be useful as a testimony to the necessity of changes which I have not expressly advocated.

JOHN CONINGTON.

Answer from Sir Charles Lyell, M.A. of Exeter College, F.R.S., President of the Geological Society of London.

Sir Charles Lyell, M.A., F.R.S.

Sir,

The first point to which the Commissioners have directed attention, namely the best means of restraining extravagant habits, appears to me to involve many of the others, since the most effective means of preventing idleness, and thereby promoting good conduct, is to interest the great body of the Undergraduates in the studies of the University. A certain number of young men who are conscious of superior abilities, and ambitious of academical distinction, will devote themselves zealously to any course of reading which may be prescribed; but the larger proportion, who may be intelligent but who possess only moderate talents, will require to be led on by finding the instruction congenial to their tastes, or seeing clearly that it has a distinct bearing on their future occupations or callings. To secure this, it would be desirable to allow them to exercise some degree of freedom in the selection of the subjects taught, and of their teachers. If this be denied, they will rarely do more than just master the tasks required of them for the sake of passing the public examinations. The information got up for this purpose will seldom occupy their thoughts or conversation when they are not at their books, and will be forgotten when they leave College, even in a shorter time than it was acquired.

Expenses.

The University fees and the ordinary expenses should be diminished as far as is compatible with obtaining the services of the most highly qualified teachers, but these expenses seem not unreasonable at present, nor is the cost of board and lodging exorbitant. The evil justly complained of by the public, that young men are tempted to exceed their income and run into debt, or that parents feel compelled to make them a larger allowance than they can afford, and more than is consistent with the expectations of a large proportion of the students in after-life, arises from various causes, but chiefly from the exclusive system of University education, which again is determined mainly by the division of the University into a great number of separate colleges, and by the tutorial system.

Causes of extravagant expenditure.

The style of living considered by the young men to be indispensable for a gentleman, will depend almost entirely upon the average incomes which the majority have at their command,

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Studies of the place.

and in some degree on the extent to which the social intercourse of students enjoying similar incomes is left free and unrestricted. The tone of public opinion on these matters can scarcely be affected by sumptuary laws, or by the authority of tutors, or heads of houses. So long as classics and pure mathematics form the staple of what is taught between the ages of 18 and 22 the undergraduates must be chiefly limited to a wealthy and aristocratic class, who do not look forward to earn their bread in after-life by professional labour, and a still larger number who are destined to take holy orders, to whom degrees are indispensable, together with some who are qualifying to become schoolmasters. Of those intended for the church, some will be the sons of rich parents, others will obtain scholarships, and various academical endowments, while the rest will feel themselves poor, and often be tempted to spend more than they or their parents can afford. They will run the greater risk of doing this, from often finding themselves members of small communities, in which the average incomes of the undergraduates are larger than their own. The difficulty of avoiding such companionship arises from the separation of Oxford students into different Colleges, where the young men are thrown together without respect to equality of fortune or acquirements, or similarity of tastes. Intimacies are naturally formed among those who are obliged to attend the same lectures, and to take their meals, and to sleep under the same roof; and the industrious and thoughtful are less free than they would otherwise be, to seek out and pass their time with their equals in fortune, attainments, and talents.

Influence of the Colleges

No thorough reform in such a system can take place until the University is emancipated from the control of the Colleges, or so long as it consists of an aggregate of independent corporations, each regulating to a great extent the studies of the young men specially committed to their charge. But great improvements may be introduced even before so desirable an object is accomplished.

It seems to have been the original aim of the founders of European Universities to congregate in one place a sufficiently large body of students to render it possible to subdivide the teaching of the various departments of human knowledge, among a great many instructors each eminent in some particular branch. In order to command the continuous services of the most profound scholars and gifted men, each skilled in the art of teaching, the emoluments derived from the fees of a large number of students, as well as from national or individual endowments, was felt to be desirable. It was the duty of the teacher to concentrate the whole powers of his mind on some single department, whether of Classical Literature, or of Law, Medicine, or Theology, or Moral or Political, or Physical Science.

If such a subdivision of the field of literature and science was indispensable even in the middle ages, when what was best worth knowing was chiefly confined to the ancient languages, and when the progress of knowledge was comparatively slow, it became more and more requisite after the Reformation, when several modern languages became successively as well deserving of study as Greek and Latin, and when new social, political, and physical sciences came into existence. In proportion as these new educational wants sprang up in a population rapidly increasing in numbers and wealth, the University of Oxford instead of meeting the new exigencies by enlarged means, or by a better organization of the old resources, went on contracting the range of its academical course. I need not enter historically into the causes which led to this unfortunate result; it is enough to say that eventually all the students were obliged by the University statutes to belong to some one or other out of 24 distinct collegiate establishments, the smaller of which had only 10, and the larger rarely more than 150 students belonging to them, and a distinct staff of teachers was appointed for each college, to whom the whole education of the Undergraduates was exclusively entrusted. From that period it became necessary, in place of enlarging from time to time the sphere of subjects taught at Oxford, to exclude from the regular academical course some portion of the studies which had previously been recognized and encouraged. It was absolutely indispensable to confine the course within narrower bounds than the old mediæval quadrivium and trivium.

in contracting the sphere of Study.

Tutorial System.

About two-thirds of the Oxford fellows from whom the tutors are chosen, are practically elected at the age of from 17 to 19, when they obtain scholarships or studentships. The majority of the College tutors are under the age of 35, and cannot marry without forfeiting their fellowships, which usually entails the loss of their tutorships also. They cannot be expected therefore to regard the work of tuition as their calling for life. On the contrary, they are looking forward to College livings, and the discharge of parochial duties, for which their occupation at the University is by no means the best preparation, and, on the other hand, preferment often deprives the University of some of its most practised teachers and examiners.

When we consider what kind of machinery for tuition an ordinary-sized College can supply, we are fully justified in doubting whether the principal defect in the present plan of study does not consist in attempting too much. They who defend it by saying that it is better to teach a few things well than many imperfectly, ought seriously to consider whether it is not already far too comprehensive a scheme. The Greek and Latin languages alone if studied with broad philological views, such as a scholar of the nineteenth century has a right to expect from an Oxford preceptor, are more than enough to engross the time and energies of two or three young men generally not above 30 years old. If then we add to their labours the task of lecturing on the history, philosophy, and poetry of the ancients, together with logic and Christian divinity, we impose upon them an accumulation of duties which they would deem it presumptuous to undertake, if they had formed a just conception of the quality of the instruction which the public has a right to expect from a University like Oxford.

Inadequate at the present day.

The unavoidable consequence is, that the Greek and Roman languages and writers are taught to grown-up men at College, in the same style as to boys in the upper classes of our grammar schools. Indeed the average College tutor is not equal in ability and scholarship to the average head master of a great public school. Parents who have no personal experience of Oxford, and who hear that there are professorships there of Modern History, English Literature, several living

languages, Political Economy, Law, and Medicine, Astronomy, Natural Philosophy, Chemistry, Anatomy, and Botany, are too apt to believe that all these subjects are really taught to those who wish to study them, whereas the bequests of private individuals who founded these chairs, or the annual grants of Parliament in support of them, will remain a dead letter, and the class-rooms of the Professors must continue empty, unless the Commissioners can bring about some more organic changes in the system than were effected by the new statutes passed in 1849. At present, the College lectures are so contrived as to consume the whole forenoon, and to give as much work to young men of ordinary industry as they are equal to. Students who may consider their proficiency in Latin and Greek at the time of their leaving school at the age of 16, however moderate, as great as their station and prospects in life entitle them to indulge in, and who conceive that other acquisitions will be far more useful to them before they enter the business of life, are now called upon to pay fees to a College tutor for teaching them more Greek and Latin, and must regularly attend his lectures, whether they think them profitable or not. This monopoly of the Colleges, has, therefore, the effect of rendering Oxford not only less fitted for the middle classes, but also for the sons of many of the higher orders, and, moreover, the aristocratic notions, and class prejudices which the neglect of useful knowledge engenders, is fostered and exaggerated by several of the old customs and institutions of the place. I allude particularly to the distinctions referred to by the Royal Commissioners, between compounders and ordinary graduates, and between noblemen, gentlemen commoners, and commoners. A peculiar costume assigned to the possessors of mere rank, or, what is if possible even more objectionable, to mere wealth, or the power of paying higher fees, is calculated to enhance in the eyes of young men the importance of these adventitious advantages. All academical honours and distinctions should be reserved exclusively for the successful cultivation of talent coupled with good moral conduct. How can we expect to cherish a proper feeling of equality among gentlemen, or to guard against the worship of mere riches in a mercantile community, if marks of personal favour and external privileges are conferred at the University, not for merit, but for the mere accident of birth and fortune? I speak from personal experience of what has happened within the circle of my own friends and acquaintances, when I affirm, that parents possessing ample pecuniary means are often deterred from sending their sons to Oxford by a well-grounded apprehension, that after a residence of a few years, they will contract from the social atmosphere of the place, notions incompatible with the line of life to which they are destined, although that professional line may be one peculiarly demanding a liberal education. They wish, for example, to bring them up as attorneys, publishers, engineers, surgeons, or as merchants in some established house, and naturally turn their thoughts to Oxford as a safe and good training place, till they are warned by those who know the working of the system, that the youth, however well satisfied with the honourable calling proposed for him, (which, perhaps, he has chosen himself,) will discover at the end of a few terms, that such occupations are vulgar and beneath his dignity. How much vulgarity of feeling and want of true independence of mind may lie at the bottom of such fine notions it is superfluous to inquire here. The remedy is, I think, as obvious as the cause;—a large accession to Oxford of the representatives of the professions alluded to, would make such class-prejudices disappear at once, without the accompaniment of an evil so much dreaded by many advocates of the state of things as they are, namely, a diminished attendance of men of rank and fortune. These, on the contrary, might be tempted to come in larger numbers, if their time at the University was spent more profitably in learning, not simply Classics and Mathematics, but the history, laws, and constitution of England, and a variety of information respecting modern literature or physical science, which might accord with their individual tastes. By application to such studies they would be far better prepared than at present to fill the stations into which many of them are destined immediately to enter as legislators, magistrates, or country gentlemen.

Sir Charles Lyell, M.A., F.R.S.

An organic change wanted in the system.

Greek and Latin forced on the unwilling.

Aristocratic notions.

Remedies. Extension of subject studied.

To conclude what I have to say on the subject of extravagant expenditure, I may remark, that a young spendthrift who has encumbered himself with College debts, may, before he leaves the University, see the folly of his ways, and repent, and if so, his debts being discharged, no lasting mischief may accrue. But if at the age of 22 he has acquired an aristocratic distaste for the professional career which was open to him, it may require years before he recovers as much common sense, as will open his eyes to his true interests, and then the golden opportunity which before offered itself, may have been lost for ever.

A deep conviction has, for some years, taken possession of the thinking portion of the English public, that far too much time is now sacrificed in our principal schools and Universities to the study of Greek and Latin; and, above all, to the effort (so often a vain one), to acquire a facility in writing elegant prose and verse in these languages. It is very difficult to persuade those who have grown up under such a system, and who have spent their lives in carrying it out, that any other course of study would be more useful or more popular, seeing that the Colleges at Oxford are full to overflowing, and the public schools crowded with pupils. But the number of fellowships and livings in the gift of Oxford, and the requirement of degrees for ordination is such a source of influence (not to call it bribery), that if Sanscrit and Chinese were substituted for Greek and Latin, no material diminution would be experienced in the supply of students. The clergy of the establishment, 17,000 in number, have the two Universities, and nearly all the great schools, under their management, and yet in spite of this patronage and power, they have been unable so to form and bias the opinion of the public, as to check the progress of a growing dissatisfaction at the narrowness of the plan of teaching now adopted.

Matriculation Examination.

Study of Greek and Latin.

An examination previous to matriculation, might be made the most speedy means of working a salutary change, and giving to the departments of knowledge, now excluded or ignored, the place they are entitled to hold from their usefulness and importance. Whatever is recognised in a preliminary examination, even though the minimum of proficiency insisted upon be very small, will at once be introduced into every great public school throughout the country.

Matriculation Examination on various subjects.

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A school, I speak from experience, may consist of about 80 boys taken from the higher and middle classes, of whom 75 are never intended for the University, being unable to afford to be occupied with Greek and Latin beyond the ages of 13 and 16. The head-master, a graduate of Oxford, models his plan of instruction for all the pupils, in such a way as will tell best in preparing these five favoured youths to cut a figure at the University. He is ambitious that some of these pupils should carry off scholarships or gain first classes or other prizes, because their success will reflect credit on his school. The parents of the other 75 boys, may wish for the introduction of the French and German languages, or the elements of Physics and Natural History, or some modern literature, but they must submit to be ruled by the standard set up at Oxford, and even there assumed to be the best only for a class of students which can afford to persevere in a preliminary and unprofessional training up to the age of 22.

Excellent effect of this on Schools.

By enlarging the range of subjects comprehended in an examination previous to matriculation, the Commissioners would not only improve the Oxford system, but still more that followed in all public Schools, a matter of incomparably more national importance as affecting the middle, and no small part also of the upper classes. At the same time, such a reform would act immediately, not only on the Schools, but on such of the University Students as are qualifying to become Schoolmasters, and these would at once begin to shape their studies more in conformity with the spirit and wants of the age.

I assume that a large and efficient body of Examiners shall be provided, such as might be chosen from a complete corps of Professors and Assistant-Professors. In that case, every language and branch of literature, every faculty, art, and science would be represented. The *minimum* of preliminary attainments in Latin, Greek, Mathematics, Modern History, Physics, &c. being fixed, and not too high, the candidate for matriculation, when he has satisfied the Examiners on these heads, should be permitted to be questioned in any other branch of knowledge he may name, and according to the extent of his attainments, should obtain certificates enabling him to enter certain courses of lectures, framed for Students classed according to the degree of their advancement. Suppose, that some acquaintance with at least two modern languages be required, these ought not to be specified, because Persian and Hindostanee, or Chinese or Sanscrit may be far more indispensable to some young men destined for India and China, than French, German, Italian, or Spanish, although these last would be most commonly chosen. In like manner, in regard to Physics or Natural History, a great range of choice ought to be permitted, whether in the matriculation, or any subsequent examination, and it ought to be indifferent to the University whether Astronomy, or some of the numerous branches of Natural Philosophy or Chemistry, or Geology, Mineralogy, Zoology, or Botany be preferred. The new examination statutes passed in 1849, show that the governing majority of Graduates were not then prepared to recognize even one single department of Physics or Natural History, as admissible, much less requisite in the first two examinations. Even in the third, that class of subjects which is growing daily in importance was left entirely optional, so that the highest academical prizes and honours might be carried off by men profoundly ignorant of the elements of the entire field of Natural Science. Such regulations ensure the continued exclusion from nearly all our great schools of departments of knowledge, eminently fitted to quicken the powers of observation and classification, to say nothing of the pleasure which they afford to many intellects of a high order. A spirit of enquiry into natural phenomena should be cherished, moreover, for the sake of its excellent moral tendency. Historians, theologians, and politicians, whether of ancient or modern times, and their commentators and expounders, are often influenced by human passions and partialities, so as to put their own construction on facts and events. In such branches the plan of education may be worked for a particular purpose, according to the teacher's prejudices and views. But, of this there is far less danger in the study of nature. The progress of discovery is always improving our theories and forcing us to abandon old errors, so that in this school we are learning lessons of candour and sincerity, of humility and simplicity, and by such discipline are better prepared for the investigation of moral, metaphysical, and political phenomena, with an honest desire of arriving at truth. If no foundation is laid at school, to say nothing of college, for pursuing and taking interest in such investigations, they are usually neglected or not successfully cultivated in after-life.

The minimum not to be high.

Present neglect of Natural Science.

Restrictions on Fellowships

A strict enquiry will doubtless be made by the Commission, as to how far the present statutes of Colleges, or the testamentary bequests of their Founders, will allow of throwing open Fellowships, and connecting some of them with the teaching of various moral and physical sciences, and with subjects strictly professional. It might facilitate the embodying of the Colleges into one University if Fellowships were united with Professorships, and if Private Tutors became Assistant-Professors, each devoted to some one department, the most eminent of these last obtaining Scholarships or other endowments. Legislative assistance may be necessary in order thus to render the existing University funds practically useful, especially in raising the salaries of highly qualified men to whom the teaching of the several branches of literature and science should be entrusted. The holding of Fellowships, therefore, should not be dependent on the condition of taking orders or of celibacy. The fees of the Students ought always to form a considerable portion of the entire emolument of a teacher, wherever this is possible, and it will be possible in the more popular and necessary branches of instruction. A certain amount of dependence on the number of pupils is useful in securing a faithful discharge of a Professor's duties. The Chairs not immediately connected with Divinity, should never, or only in a few exceptional cases, be held by clergymen, because they will then regard the cultivation of the department of literature or philosophy assigned to them, as subordinate to their clerical profession, and as a stepping-stone to ecclesiastical preferment.

to be united with Professorships.

Orders and celibacy.

Mode of appointing Professors.

The choice of Professors should be fettered by as few disqualifying conditions as possible, and none of the questions asked by the Commissioners is more momentous than that relating

Sir Charles Lyell, M.A., F.R.S.

to the manner in which Teachers ought to be elected. If Oxford were crowded with Students of Law and Medicine, and of Modern Languages and Literature, and of every Moral and Physical Science, and if the Resident Graduates, being two-thirds of them laymen, were then employed, as they would be, in teaching whatever the spirit of the age regards as useful and necessary to be known, I should be disposed to give the nomination of all the Professors to such a body of Resident Graduates, jointly with the Officers of the University. No other electors would be so deeply interested in maintaining the high position and rank of the University, and adding to the number of its teachers and governors, the most able, meritorious, and distinguished men, not in England only, but in the world, such as the wealth and name of Oxford might always command. But in the present anomalous condition of the University, where the laity are most inadequately represented, so that Oxford has acquired the character rather of a theological seminary than of a great national seat of learning and science, we know by experience, that in canvassing for votes for a Professorship, whether of Poetry or any other Chair, the particular shade of opinions which a candidate may entertain on questions of sectarian or controversial theology may have more weight than any other qualifications, and until the Members of Convocation are free from such prepossessions, it would be better to vest the choice of Professors in the Crown, than in the majority of the Graduates.

Retiring pensions ought to be provided for Professors, and they and their Assistant-Teachers should have every facility given them for increasing the numbers of their classes. For this object I would allow Undergraduates to lodge in private houses more generally than at present, and permit new Halls to be established, if it be thought (though I question the necessity) that good discipline cannot be maintained without incurring this expense. I would by no means oblige young men to sign the Thirty-nine Articles before matriculation, a restriction not imposed on those who enter the University of Cambridge. The greater the ecclesiastical wealth, rank, and privileges which Oxford has at its disposal, the more careful should we be not to tempt men to tamper with the sanctity of an oath by yielding an outward conformity to doctrines, which they may never have seriously considered, or respecting which they may afterwards entertain doubts when they have attended a course of lectures, or read up for examination on the Articles. The thoughtless, the indifferent, and the unscrupulous will always be ready to sign such formularies; the sincere and conscientious alone will be excluded by them.

Lodging in private houses.

Subscription at Matriculation.

Rev. A. P. Stanley. CHARLES LYELL.

Answers of the Rev. Frederick Temple, M.A., Principal of Kneller Hall, late Fellow and Tutor of Balliol College, Oxford.

Rev. Frederick Temple, M.A.

Sir,

In accordance with the request contained in your circular of the 18th November, I beg leave to submit to the consideration of the Commissioners the following remarks on—

The Expenses,
The Discipline,
The Subjects of Study,
The Rewards and Emoluments,
The Constitution, and
The Future Working

of the University of Oxford and the Colleges therein.

Expenses.

The following is a statement of the expenses actually incurred during the first two years of residence from Easter Term, 1839, to Easter Term, 1841, by an undergraduate scholar of Balliol College. It would be generally allowed that at no College are the charges more moderate than at Balliol, and what follows may therefore be taken as a fair specimen of what a careful man may live upon under the present system, without withdrawing himself from the society of the place.

Before residence the following charges had been incurred:—

Instance of a Balliol Undergraduate.

	£.	s.	d.
Caution-money	21	0	0
Fees of various kinds at matriculation	3	15	0
Furniture	37	1	0
Battells, first quarter	1	19	8
,, second quarter	1	17	8
,, third quarter	6	19	3
	£72	13	1

Of these items the caution-money is always repaid on the name being taken from the College books. The furniture, in accordance with the custom of the College, was purchased at a valuation from the previous occupant of the rooms, and was resold in the same way in 1843 for 15*l.* 5*s.*

The total amount actually sunk was, therefore, 36*l.* 8*s.* 1*d.*

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The expenses for the two following years were—

—	Easter, 1839 to 1840.	Easter, 1840 to 1841.
	£. s. d.	£. s. d.
Battells, being the bills paid to the College authorities	47 4 10	49 6 5
Furniture	2 5 0	2 9 6
Servants	5 15 2	4 13 6
Servants' bills for coffee, eggs, milk, toast, and other sundries	6 0 8	8 7 11½
Books	11 4 5	7 13 9
Grocer for tea, sugar, fruit, preserves, &c.	5 10 3	7 12 8
Washing	4 7 6½	7 7 3
Boat Fund	1 10 0	1 0 0
	83 17 10½	88 11 0½

The only remaining expenses were for journeys and clothes.

The battells or bills paid to the College authorities consist of certain quarterly payments for room-rent, tuition, College dues, servants, &c., and of the daily charges for dinner, bread and butter for tea and breakfast (tea or coffee, milk and sugar, must be purchased elsewhere), coals, and some other smaller items. These daily charges are at Balliol made up every week, and a bill of them given to each resident member of the College. At the end of every quarter the weekly bills are added up, and, together with the quarterly payments above mentioned, made into a quarterly bill, of which immediate payment is required.

The following is a specimen of one of the above-named weekly bills:—

—	—	Frid.	Sat.	Sun.	Mon.	Tu.	Wed.	Th.	Total.
		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
Buttery	Breakfast	0 3½	0 3½	..	0 3½	0 3½	0 3½	0 3½	
,,	Luncheon	0 3	0 2½	0 3	0 3	0 3	0 3	0 3	
,,	Dinner	..	..	..	..	..	..	0 7	
,,	Tea or Supper	0 2½	0 3½	0 2	0 2½	0 2½	0 2½	0 2	0 5 6
Kitchen	Breakfast	0 4	0 4	..	0 4	0 4	0 4	0 6	
,,	Luncheon	0 4	0 4	0 4	1 3	0 4	1 3		
,,	Dinner	..	..	..	..	..	..	3 4	
,,	Tea or Supper								
,,	Absent Commons	..	..	..	..	..	..	0 4	0 9 8
Weekly Dues	Decrements, *i. e.* charges for table-cloths, &c.								
,,	Butler								
,,	Under-butler								
,,	Hall-man for knives	0 1	..	..	0 1	0 1	0 1	0 1	0 0 5
,,	Waiters	..	..	..	..	..	..	..	0 0 2
,,	Porter								
	Coals and Fagots	..	..	..	..	..	..	..	0 3 10
	Coal-carrier	..	..	..	..	..	..	..	0 0 4
	Letters	..	..	1 0	..	1 6	2 0	0 2	0 4 8
	Mulcts								
	Total for the week	..	..	..	..	..	..	..	1 4 7

It should be observed that all the meals except dinner are taken by all members of the College in their own rooms.

The following tables were the quarterly bills for each quarter from matriculation to Easter Term, 1841, the totals of which appear in the preceding statements of expenses:— *Rev. Frederick Temple, M.A.*

	Before Residence.			From Easter, 1839, to Easter, 1840.			
	Aug. 3 to Nov. 2	Nov. 3 to Feb. 1	Feb. 2 to May 3	May 4 to Aug. 2	Aug. 3 to Nov. 1	Nov. 2 to Jan. 31	Feb. 1 to May 1
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Amount of battells as stated in the bills delivered every week	0 1 2	0 4 6	3 1 7	4 5 10	3 1 11	8 0 0	11 7 5
Room-rent	1 0 0	1 0 0	1 0 0	2 0 0	2 0 0	2 0 0	2 0 0
Tuition	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0
Kitchen and Hall Fire	0 2 6	0 2 6	0 9 6	0 9 6	0 9 6	0 9 6	0 9 6
Oil and Chapel Candles	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0	0 4 0
College Dues	0 0 4	0 0 4	0 0 4	0 0 4	0 0 4	0 0 4	0 0 4
Butler	..	..	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0
Under-butler	..	..	0 0 8	0 0 8	0 0 8	0 0 8	0 0 8
Porter	..	..	0 1 6	0 1 6	0 1 6	0 1 6	0 1 6
Hall-man	..	..	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0
Shoe-cleaner	..	..	0 7 0	0 7 0	0 7 0	0 7 0	0 7 0
Letter-carrier	..	..	0 2 0	0 2 0	0 2 0	0 2 0	0 2 3
Bed-maker	..	..	0 15 0	0 15 0	0 15 0	0 15 0	0 15 0
Barber	..	..	..	..	0 1 0	0 2 6	0 2 6
Glazier	..	..	0 2 0	..	0 2 8	0 2 0	0 7 4
University Dues	0 10 8	0 5 4	0 7 8	0 5 4	0 10 7	0 5 4	0 9 8
Assessed Taxes	..	..	..	..	0 7 0		
Common Room							
Printing Accounts	..	..	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6
Total	1 19 8	1 17 8	6 19 9	8 19 8	8 11 8	12 18 4	16 15 2

	From Easter, 1840, to Easter, 1841.				Remarks.
	May 1 to July 31	Aug. 1 to Oct. 30	Oct. 31 to Jan. 29	Jan. 30 to April 30	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Amount of battells, as stated in the bills delivered every week	8 5 1	2 14 6	9 13 0	8 5 7	
Room-rent	2 0 0	2 0 0	2 0 0	2 0 0	
Tuition[a]	0 1 0	0 1 0	0 1 0	0 1 0	[a] This charge is for a scholar; any other undergraduate pays £5. 12*s*.
Kitchen and Hall Fire	0 9 6	0 9 6	0 9 6	0 9 6	
Oil and Chapel Candles	0 4 0	0 4 0	0 4 0	0 4 0	
College Dues[b]	0 0 4	0 0 4	0 0 4	0 0 4	[b] This is the land-tax.
Butler[c]	0 2 0	0 2 0	0 2 0	0 2 0	[c] This is not a fee, but is paid for lighting the hall at dinner; undergraduates who are not scholars pay a small fee besides.
Under-butler	0 0 8	0 0 8	0 0 8	0 0 8	
Porter	0 1 6	0 1 6	0 1 6	0 1 6	
Hall-man	0 5 0	0 5 0	0 5 0	0 5 0	[d] The apparent anomaly of this very large fee (about £100 a year) is explained by the fact that the same servant keeps the kitchen accounts.
Shoe-cleaner[d]	0 7 0	0 7 0	0 7 0	0 7 0	
Letter-carrier	0 2 3	0 2 3	0 2 3	0 2 3	
Bed-maker	0 15 0	0 15 0	0 15 0	0 15 0	[e] No charge made if the barber has not been employed.
Barber[e]	0 2 0				
Glazier[f]	..	..	0 2 6	0 2 6	[f] For regularly cleaning as well as mending the windows.
University Dues[g]	0 5 4	0 19 6	0 5 4	0 7 8	[g] Paving-tax, lighting-tax, and some small payments for University purposes.
Assessed Taxes	..	0 9 7			
Common Room[h]					[h] No charge made except to fellows.
Printing Accounts	0 0 6	0 0 6	0 0 6	0 0 6	
Total	13 1 2	8 11 2	14 9 7	13 4 6	

On analyzing these accounts the charges may be thus classified:—

	1839–1840.	1840–1841.
	£. s. d.	£. s. d.
1. Food, firing, and washing, *i. e.* weekly battells, kitchen and hall fire, candles in hall, and washing bills	33 8 8½	38 11 5
2. Room-rent, furniture, and taxes	10 15 4	11 5 5
3. Books, tuition, university dues, oil and chapel candles	14 7 4	10 13 7
4. Servants	12 5 7	11 0 2
5. Social expenses, *i. e.* servants' bills, grocer, boat-fund	13 0 11	17 0 7½
	83 17 8½	88 11 2½
Add, if not a scholar, tuition	22 8 0	22 8 0
Total	106 5 8½	110 19 2½

It would not be possible very much to diminish these charges without a complete change of system. They are very high when it is considered that the residence does not extend beyond thirty weeks in each year. But if the undergraduates are to take their meals so much in their private rooms, and to require separate attendance there, provision must be made for much waste and for a large staff of servants.

The social expenses, as above stated, are as low as they well could have been made without giving up society altogether. It will be observed that no wine, and consequently no wine parties, are here included; breakfast parties were in fact substituted for them, and no wine was drunk at all.

Rev. Frederick Temple, MA.

But these were the charges at a very cheap college—the expenses at almost any other would have been necessarily higher, partly because the charges are higher for the same articles, partly because, in spite of the anxious and expressed desire of the undergraduates, at many colleges no weekly accounts are given to the members, and thus they have no definite power of controlling their expenses. It would be well if the attention of the visitors were called to this defect.

Annual expense at a good College.

The great expense, however, of a University education does not consist in the college charges for board, lodging, and tuition, but in the extravagance into which men are led by the tone of the society. Boating, riding, supper parties, wine, expensive dress and furniture, even in such moderation as to appear no more than is positively required by a man's position, may very easily raise the outlay from 100*l.* to 250*l.* a year; and probably very few pass through Oxford without spending 200*l.* a year or more.

University Extension.

Attendance at Professorial lectures without connexion with College.

1. Of the four plans suggested in your circular to do away with the necessity for this expense, the last, namely, to admit persons to professorial lectures, and authorise the professors to give them certificates of attendance without requiring any further connexion with the University, does not appear sufficient to remedy the evil, while it is open to obvious objections. It would do nothing for those who desired a University education and not merely a few professorial lectures, and it would tend to encourage a superficial system of study highly mischievous to the real interests of learning.

Lodging in private houses. The evils of it.

2. In regard to the second and third, there can be no doubt that a relaxation of the rules which connect members of the University with the colleges would tend to diminish the expense very much. Men lodging and living in the town might of course maintain themselves at a very much cheaper rate than on the scale of the above charges, and might also, by surrendering all society, and with it the necessity of keeping up appearances, free themselves from most of the inducements to needless outlay.

But in the first place, those for whose benefit it was intended, young men who are now kept away by the expense, would certainly be found to require in a greater rather than in a less degree than others the individual attention and the careful drilling which belongs to the tutorial and not to the professorial system.

In the second place, one of the most powerful engines of education in Oxford is the society. Of that these men, who want it most, would be deprived.

In the third place, such a plan would have a most pernicious effect on the morality of the University. The openings to vice are at present the bane of the system. It is frightful to think of the large proportion of the undergraduates who are tainting their minds, not unfrequently for life, with the effects of an impure youth. To prevent this altogether would be doubtless impossible; but the difference between rendering vice easy or hard of access is immense. It is a duty to protect the weak by putting barriers in the way to evil. This plan would throw all barriers down. Nor would the poverty of those who availed themselves of it be a protection. Rich men would soon be found to prefer the freedom of lodgings to the discipline of college, and it would not long be possible to prevent them from availing themselves of the permission given to others to do so.

This plan therefore can only propose to give an inferior education, while it has a direct tendency to injure the moral tone of the University. It does not appear that this inferior education would be better than the same men could get elsewhere, and the morals of the University ought to be a consideration superior to all others.

It should be observed, however, that the last objection loses much of its force as applied to older men.

Graduation after two years.

3. It has also been proposed to reduce the expenses by permitting men to take their degree after two years' instead of three years' study. It is certainly quite true that what is now learnt by the majority of undergraduates in three years might be learnt in two. But knowledge is not education: and it would be a great evil, certainly not compensated by any increase of numbers, if it became the ordinary practice to limit the period of residence to two years: and this would be the inevitable result if the B.A. degree were conferred then.

In fact the late examination statute has already done all that it seems advisable to do in this direction by providing an examination with a class list at the end of two years. Men can, if they please, leave at this period; and if their names appear in the class list, they will have a testimonial of their academical education better than a titular degree.

Halls.

4. The remaining plan suggested is that of establishing new halls, conducted on a somewhat different system from the present colleges.

If a hall were erected for forty students, containing besides offices one room for each (to serve both as a sitting and a sleeping room), a common sitting room to be open at fixed hours (which might also be the library), two lecture rooms, six rooms for a warden, two rooms for a sub-warden, the expenses would stand thus:—

Probable cost of a Hall.

	For each Student. £.	*s.*	*d.*
1. Cost of erection and furniture, £15,000, the interest of which at 4 per cent. would give £600 per annum, *i.e.*	15	0	0
Repairs and taxes	5	0	0
2. Food, firing, washing, and servants	30	0	0
3. Warden, £450; sub-warden, £250; to act as tutors	17	10	0
4. Books, professorial fees, University dues	7	10	0
	£75	0	0

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The second item might be reduced. The experience of public schools shows that it can be done for even 20*l.*;* 30*l.* would allow of a weekly day of hospitality, on which a given number of undergraduates might invite their friends to dinner, with a dessert, in the common sitting room.

If easy access were given to the college libraries and to the Bodleian, the expense of books ought not to be much.

This estimate amounts, when compared with the statement given above, to a reduction of 25*l.* out of 100*l.*

But the real reduction would be very much greater than that; for the impossibility of having parties in their own rooms would do away with more than half the temptations to expense to which the undergraduates are at present exposed.

If the hall were erected, and the warden and sub-warden partly paid from some independent source, the expense to each student would become—

	£.	*s.*	*d.*
Food, firing, washing, and servants	30	0	0
Warden and sub-warden	7	10	0
Books, professorial fees, University dues	7	10	0
	£45	0	0

—making the total, including clothes and journeys, about 65*l.* or 70*l.* a year.

Might be built by the richer Colleges.

The great objection to this scheme is the cost. But if it be remembered that the colleges are eleemosynary foundations, there would appear to be no better way of now carrying out the spirit of the founders' intentions than by requiring the colleges to erect and maintain such halls. "Poor scholars" are an evil, because they are placed in a position where their poverty is felt, and is made to tell with a bad effect on their education. "Poor fellows" are a still greater evil, because poverty is certainly no qualification for the exercise of authority. But such halls would relieve poverty without degrading it. And after much conversation with men of very different opinions, I have been led to believe that to require their erection would meet with less opposition in Oxford than almost any other measure of reform.

To cripple the colleges as places of education would of course be wrong, and any college which could show to the satisfaction of its visitor that its revenues would be reduced by erecting and maintaining such a hall below what was necessary to support ten fellows might be exempt. The appointment of the warden and sub-warden might be left in the hands of the visitor of the college, the details of the arrangements subject to his control. There would be no necessity for making all the halls alike, provided only that care was taken to treat all the students most scrupulously as gentlemen. If it be worth while to educate them at all, it is worth while to give them that refinement and treat them with that consideration which belongs to the educated class in society.

To the establishment of such halls by the colleges might be added a licence to any fellow, with the consent of his college, to open a hall in connection with the college. The details might vary from those suited to the case of a tutor having pupils belonging to the college to board with him, to such as would belong to an almost independent society. But in every case the proctors should have the power to close the hall at three months' notice, and the visitor of the college should be visitor of the hall.

Discipline deficient in amount.

The direct discipline of the University is not faulty in character, but deficient in amount. The villages round Oxford, within a circuit of five miles, require quite as much watching as the town: they are now hot-beds of temptation. A small police force in each and a resident pro-proctor would save very many from sins caused by weakness rather than by wilful vice. But the indirect discipline is very faulty. It is not sufficiently borne in mind how very large a part of education depends upon the external aspect of the machinery. The giving of the lectures in comfortable parlours, without any convenient means of taking notes; the giving of fellowships to almost any qualifications rather than academical merit; the precedence allowed to gentlemen commoners on the ground of wealth; that given to noblemen on the ground of birth—all this tends to convey the impression that the chief object of the place is anything rather than study; and young men are ready enough to treat the studies accordingly as secondary to many other pursuits.

Distinctions of Rank.

The distinctions awarded to gentlemen commoners and noblemen are unmixed evils. They are sometimes said, by making the rich men into a class by themselves, to save the poorer from the temptation to imitate them, and to accustom all to the distinctions to be met with afterwards in the world. They do neither the one nor the other. The distinctions are not at all like what are met with in life; and so far from protecting any from extravagance, they force the gentlemen commoners into expenses to keep up their position, and at the same time set them up as idols for the rest to worship. The force of this argument is doubled when it is added that, in practice, a certain relaxation of discipline is allowed to accompany the privilege of wearing a silk gown.

Studies.

The studies of the University ought unquestionably to cover a wider range of subjects than at present. The late Examination Statute will do something towards this, but not

* I beg leave to suggest a reference to the manciple of Charterhouse, who has studied this subject.

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enough. It will be quite impossible to make either physical or mathematical science flourish in Oxford by means of barren honours, if all places of emolument and influence are appropriated to success in classical studies. The honours cannot stand alone. Where the substantial rewards are, there, on the whole, will be the press of competition; where the competition is, there will be the glory.

Need extension.

Only effectual mode of this.

To remedy this a certain proportion of the fellowships at some of the larger colleges should be assigned entirely to these subjects. It does not seem advisable to put one or two in every college, because there would be no electors; but from 75 to 100 fellowships might be obtained by distributing them in groups of not fewer than six over the larger foundations.

Any further alteration in the studies, any attempt to compel either greater specialty or greater generality, appears to me highly inexpedient.

Special teaching unsuitable to a University.

In regard to the first, I cannot but think it an advantage of no small value that the academical studies do not bear directly on the special pursuits of after-life—that they tend to form, not a machine for some defined purpose, but an educated man. It is not too much, in a place which is to give the highest education in the country, to assign three years to general cultivation. It has been well remarked that this "specialty," which would turn one man into a machine for solving equations, and another into a machine for making pins, is the vice of the day, and to resist this vice is just the duty of a great University.

On the other hand, to compel a wide range of subjects of study, to force every man to learn a little mechanics, a little physiology, a little chemistry, whether he has a taste for such pursuits or not, appears to be mistaking the means of education for the end. Such teaching can consist in nothing but the giving of information without any training of the faculties. In fact, the fewer fetters upon the free choice of subjects the better. Force a man to study by all means, but leave him all possible liberty consistent with that. A man who cultivates a study for which he has a taste will be led to cultivate others in connexion with it, and will in all probability acquire a wider range of knowledge than if compelled against his will into uncongenial paths.

Matriculation Examination.

The addition of an examination at matriculation would no doubt have an excellent effect upon the public schools. But it seems questionable whether this is not a matter better left till the working of the new statute has shown how far the change in the time of responsions may not have supplied all that is wanted.

Higher Degrees.

To require any examination, whether in the shape of answers to questions, or of an essay composed at home, as a condition of the higher degree, seems very undesirable. Examinations are well suited to young men, but very much out of place afterwards. The value of a grown man cannot be really tested by an examination—it must be tested by his work. Nor would much be gained by the innovation. The practical governors of the University, in the long run, are the fellows, and if the best men were secured for the fellowships there would certainly be no reason for requiring a man to pass an examination in order to become a Master of Arts. Moreover, mere standing does give some title to a corresponding position, and it is right that this should be recognised.

Rewards and Emoluments.

The rewards and emoluments are the professorships, fellowships, and scholarships.

1. Professorships.

1. There are 33 professorships held by 30 men. With the exception of the professorships of Divinity, Hebrew, and Sanscrit, most of them are so inadequately paid as to be practically useless to the University from the impossibility of securing the entire services of eminent men. Moreover, being founded by different persons at different times, they do not form a systematic whole; several subjects of great importance are omitted, such as Latin, Philology, Geography; and some are needlessly overstocked.

The necessity for improving the professorial teaching at Oxford has long been felt. At present the teaching almost entirely devolves upon the tutors. Of these there are generally three or four in each college, who divide the work between them, sometimes making a division of the lectures to be given, sometimes of the pupils to be instructed. Instead, therefore, of receiving in each subject the instruction of one eminent man who gives himself up entirely to that, the undergraduates have as many teachers in each subject as there are colleges, and each tutor has to undertake several subjects. Moreover, the fellows, from among whom the tutors are taken, cannot marry; and, in consequence, most tutors are watching for some opening in another quarter. They are rapidly removed, and have not time to pursue their studies far.

The tutorial system has many advantages, but they are rather to be looked for in the intercourse kept up with the undergraduates, in the moral influence, in the attention paid to the individual pupils, than in the goodness of the lectures.

Professors needed.

Ten new professorships would probably be sufficient for the needs of the University, while some of those already existing might with advantage be amalgamated, so as to make 36 in all: 500*l.* a year, besides what might be obtained from the fees of pupils, does not seem more than enough for the office. The four professors of Divinity, the professor of Hebrew, and the professor of Sanscrit, are sufficiently paid already. The salaries of the remaining 24, at present existing, average, it is believed, 150*l.* a year, which gives a total of 3600*l.* To give 30 professors 500*l.* a year each, 15,000*l.* would be needed, or, deducting the 3600*l.* already in hand, 11,400*l.*; or, taking the average value of fellowships at 200*l.* per annum, the incomes of 57 fellowships.

Mode of paying them.

The most obvious mode of raising this money would be to appropriate fellowships at some of the larger colleges to that purpose. The professors so paid might have the style and privileges, if not the authority in college meetings, of fellows of the colleges

which paid them: the head of the college might be one of the board by whom they were nominated. In this way the college would gain the honour of the professor's name in return for what it was required to give. *Rev. Frederick Temple, M.A.*

College Revenues.

To appropriate 57 of the 542 fellowships at Oxford to this purpose is not really so great a departure from the spirit of the intentions of our founders as the present system. They meant their colleges to be a living part of the University, and not to withdraw from University duties. Magdalen, Corpus Christi, and, I believe, Merton, already contain provisions in their statutes which show that their founders contemplated the discharge of such a duty by their institutions. Christ Church and Oriel, again, being royal foundations, are at the absolute disposal of the Crown. All these are colleges which could afford, without any diminution of their efficiency as places of education or of study, to appropriate certain fellowships to the payment of professors.

Some might perhaps be maintained from other sources, such as a tax upon all the members of the University. But a heavy tax could not be collected, and would simply remove many names from the books. The present number of members is somewhat more than 6000. It would not be easy to raise 6000*l.* a year in this way.

Best mode of appointment.

In regard to the appointment of professors, the best precedent that has yet been set appears to be the mode adopted in the case of the Savilian professorships. The names of Briggs, Wallis, Halley, Wren, Gregory, Keill, Bradley, show how carefully the selection has usually been made. The Board of electors is the Archbishop of Canterbury, the Lord Chancellor, the Chancellor of the University, the Bishop of London, the Principal Secretary of State, the Chief Justices, the Chief Baron, and the Dean of Arches, a board sufficiently independent of the University and of the Crown to be inaccessible to wrong influences on either side, and not such as to tempt undue subservience to gain their votes. Such Boards appear to be the best means of selecting professors; they might be variously modified, partly so as to introduce persons particularly interested in the special subjects of the professorships to be filled, partly to give a voice to the college to which the professorship is attached, partly to give some influence to the University at large.

Of the other modes of appointment election by convocation appears to be one of the worst: there are fewer objections to appointments by delegates.

Retiring pensions.

Besides paying the professors adequately it will be necessary to allow them to retire on full pay after fifteen years' service. Superannuated teachers who cannot be removed are the bane of all improvement. This will probably require a further sum of 10,000*l.* a year; but this is a strictly University purpose, and the money should be paid out of a University chest: it might be raised by a tax of 10 per cent. on all the revenues of all the colleges.

Tests to be abolished.

In the selection of persons for professors it is very expedient that the choice should be quite unrestricted. It would therefore be advisable not to require any theological tests except from the professors of Divinity, and, following the example of the Savilian foundation, to leave the chairs open to others than members of the University. A professor such as Liebig would be a real accession of strength, without causing the very smallest danger to the interests of religion. An unwillingness to subscribe a test does not by any means necessarily imply hostility to the doctrines contained in it, and the selection of persons in whom it did would be guarded against by a careful constitution of the Boards of electors.

The professors should be required to give a certain number of lectures every year, and not even the present holders of those offices should be exempted from that duty. To prevent the same lectures from being read over and over again every year, all written lectures might be required to be printed at the end of the year in which they were given.

It would be very inexpedient to make the professors useful by forcing men to attend their lectures. A professor cannot be a tutor; he cannot in the least judge who ought and who ought not to come to his lectures; nor whether a man will not acquire the knowledge better without his aid. The studious men can judge for themselves on that point; the idle men are much better left to the control of the tutors.

Restrictions on Fellowships.

2. The system of election to fellowships is, above all other defects at Oxford, that whose remedy is most needed and most important. The fellows are so completely the governing body of the University, that, if no other change were made than to throw all the fellowships open and secure that the elections were honest, all other reforms would follow spontaneously. A body of men elected in the interest of learning would be sure, in course of time, to adapt everything to the needs of learning.

The great reform needed herein.

It is now too late to wait for the results of such a process; but the reform of the election to fellowships still remains by far the most important of all the reforms that can be made in Oxford.

Of 542 Fellowships,

There are in Oxford 542 fellowships. This does not include the demyships at Magdalen, but it does include all the fellowships at St. John's and New College, and all the studentships at Christ Church, which differ from fellowships elsewhere in being tenable, and to some extent actually held, by undergraduates.

From this body of men has to be supplied all the studying and all the educating power of the University—all the professors, all the tutors, all those who pursue learning for its own sake and beyond the needs of practical life.

only 22 are open.

Out of this number only 22 are in such a sense open that a young man, on first coming up, sees his way clear towards them with no other bar than may arise from his own want of talents or diligence.

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The rest are almost all restricted to—

1. Persons born in particular localities.
2. Founder's kin.
3. Persons educated in particular schools.

The only fellowships not so restricted are 10 at Balliol, 12 at Oriel, and 61 at Christ Church, and the latter are practically close, being in the gift of the canons in rotation, who treat them very much as private property.

Immense evils of close Fellowships.

The effect of these restrictions is most mischievous. Men who are naturally well fitted to be country clergymen are bribed, because they are born in some parish in Rutland, to remain in Oxford as fellows until they are not only unfit for that, but foreverything else. The interests of learning are intrusted to those who have neither talents nor inclination for the subject. The fellowships are looked upon and used as mere stepping-stones to a living. A large number of the fellows live away from the place, and thus in reality convert the emoluments to a purpose quite alien to that for which they were intended. On the other hand, the undergraduates suffer a double loss; first, in being deprived of the legitimate stimulus to study, and, secondly, in having their instruction intrusted to an inferior body of men.

Restrictions of Birthplace and Founder's kin.

The restrictions to birthplace and founder's kin should be abolished altogether: they correspond now to nothing real. The fact that a man is born in Yorkshire hardly makes him more a Yorkshireman than if he were born in Devonshire. Some accident may change his abode, and with it all his associations, before he is three years old. The fusion of the whole country, which has been long creeping over it, and has now been completed by railways, has almost done away with county feelings. It was once a matter of much moment to change a man's abode across fifty miles; it is now a comparative trifle to move from one end of the kingdom to the other.

The same has happened in regard to founder's kin. While the memory of the founder was fresh in the mind of the nation, his kindred were in some way marked out, and thoughts of him may have often been called up. But now it has become a matter of the merest accident, and the lucky kinsman certainly does not devote many thoughts to the memory of his founder.

Jesus College a possible exception.

Both these restrictions should be abolished altogether. The only case that can plead for exception is the claim of Wales upon Jesus College. But it is a question whether Wales would not gain more by improving Jesus College and sharing with the rest of the University, than by keeping Jesus College close. At any rate, residence for six years consecutive, and not birth, ought to be made the title.

The restriction to particular schools does not stand upon the same footing, for it cannot be said to be unreal.

The most important cases of this restriction are the fellowships at New College, confined to Winchester School, most of those at St. John's, confined to Merchant Taylors' School, and 40 studentships at Christ Church, confined to Westminster School.

New College.

The most natural way of dealing with New College would appear to be—

1. To divide the fellowships into fellowships and scholarships, in the proportion of 3 scholars to 2 fellows, the former open to boys under 19, and tenable till 25; the latter open to Bachelors of Arts.

2. To abolish the preference to founder's kin and the distinction between college and commoners, and to open the scholarships to all, whether coming directly from thence or not, who had been two years at Winchester School.

3. To open the fellowships to all who had been two years at Winchester School and had afterwards graduated at any college in Oxford or Cambridge.

In this way the evil of the restriction on one side would be compensated by more than usual absence of restriction on the other. If ten of the fellowships were assigned to physical and mathematical science, this would be sure to lead to a connexion of the very best kind with the sister University. The men thus introduced would come among old schoolfellows, and would rapidly amalgamate with the rest of the college.

Christ Church and St. John's.

The 40 studentships of Christ Church and the fellowships at St. John's might be treated is the same way: the latter could be opened to all schools within the City of London.

Pembroke.

With regard to such restrictions as that of the fellowships at Pembroke College to Abingdon School, they might be turned to exhibitions, a certain percentage being deducted and given to the college. In no case should such a school be empowered to claim a fellowship or even a scholarship. Exhibitions are obviously not so mischievous.

To the three restrictions above mentioned must be added three of minor importance—poverty, celibacy, and holy orders.

Poverty.

Of these, poverty has been practically dropped in most cases, and should now be struck out of the statutes. It is retained only in the form of a restriction upon the possession of real property, an absurd and useless relic of feudalism. If a rich man is naturally fitted to be a fellow and willing to undertake the duties, he should be allowed to do so. To appoint poor men to fellowships because of their poverty, is like electing a man to be a schoolmaster in order to keep him off the rates.

Orders.

The requisition to take orders, though possessing many great and obvious advantages, is carried too far. Half the fellowships should be tenable by laymen; more than half would even then, in all probability, take orders, but it is desirable to avoid the very mischievous temptation to take orders at present held out to men who have no real vocation for it, besides that some men, extremely well fitted to be fellows, are now debarred by scruples of conscience. It would be unnecessary and unwise to relax this restriction more.

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The number of clergy among the authorities gives a kind of steadiness and respectability to the University which nothing else could give: and this alone is a real and great advantage, to say no more.

Celibacy.

It would not be advisable to permit the fellows to marry. It would be impolitic to encourage a great number of men to remain in the University all their lives upon the income of a fellowship and the proceeds of private tuition; and 36 professorships tenable for 15 years would give on an average three vacancies a year, quite openings enough to those whose natural vocation it might be to pass a life of study.

Elections by favour.

One more restriction must be mentioned, the disgrace of the University, namely, the interested elections and nominations. Perhaps this might be checked if, immediately after each election, every elector were required to make a solemn declaration that he had voted for the man whom he believed best qualified.

Lastly, it would be expedient to put a stop to the present abuse of fellows drawing their incomes from the University and living altogether away from it. Every fellow ought to be required to reside six years out of every ten. Four years would allow time for travelling, for trying other callings, and determining on a course of life: the rest ought to be devoted to the direct duties of the office.

The various changes proposed, taxing the revenues for professors' retiring pensions, requiring the colleges to open new halls, &c., might diminish the income of the fellows below the amount fairly required for the duties. To meet this every college might be allowed the power of diminishing the number of its fellows by not filling up vacancies, provided always that no fellowship should be allowed in any case (taking in dividends, allocations, and all other emoluments) to exceed 250*l.* a year.

Such a diminution of the number of the fellowships would not be an evil, but a very great advantage. There are now 45 vacancies every year: there are certainly not 45 men produced every year fit to be fellows. At present this is not so plainly seen, because so many fellows live away, but if residence were enforced it would be perceptible immediately. It should be remembered that beyond other walks of life that of a student requires a special vocation, and to retain men whose vocation lies elsewhere is not merely not beneficial, it is mischievous.

Scholarships.

3. The remarks that have been made upon the fellowships apply, though in a less degree, to the scholarships. There is the same reason for abolishing altogether restrictions to birthplace and founder's kin. Scholarships belonging to particular schools might be opened to all who had been for two years at those schools, and at the same time turned into exhibitions in order that the scholar's gown might remain a real mark of honour.

It would be very desirable largely to increase the number of open scholarships: there are no foundations more really useful, and the University, so rich in fellowships, is very poor in these.

Attached to Halls.

If scholarships were attached to the halls proposed above, they would be, by the nature of the case, confined to a poorer class, and yet without making any invidious distinction.

In all cases it is most important to forbid scholarships to lead to fellowships. It is extremely hurtful to give young men, on first coming up, a provision which makes all future exertion unnecessary. Nor does it seem advisable even to allow a cæteris paribus preference to scholars standing for fellowships in their own college: a preference will be given involuntarily by the turn of the examination, and it is not advisable to add to this preference. To show how marked that preference is, it may be observed that at Balliol, where ten of the twelve fellowships are quite open to members of other colleges, eight of the ten are filled by former scholars of the college.

Interference with Founders' wills justified.

The measures above proposed would be called a violent interference with the Founders' wills, and it seems right to indicate the grounds on which they can be justified.

In the first place, without touching on the general question of the right of the State to interfere with private property, it is plain that property left in trust cannot be considered as on the same footing. The law interferes with no bequests to individuals; the law has always interfered with bequests in trust for special purposes. If such a bequest be "contrary to public policy," the Court of Chancery will disallow it. What great difference is there between a man's leaving money in trust always to maintain one of his own descendants and founding a fellowship always to be given to one of his own kin? The law forbids the former; why should it permit the latter?

Colleges not private trusts.

Still further, the colleges do not even stand on the footing of private trusts. They were founded as parts of the University, and must be subject to whatever is for the interest of the University. By virtue of their connexion with the University they obtain a certain position in the nation; by virtue of the same connexion they are liable under certain contingencies to interference.

Present system as different from the system proposed by the Founders as can be conceived.

Again, the proposed change is really nothing to the change that has already taken place. Nothing could possibly be further from the founders' intentions than the present system. They meant the fellows to be resident. A large proportion hardly ever come near the place. They meant the fellows to live a strict and severe life. The comfortable common-rooms and 200*l.* a year do not represent that. They meant the fellows to be bonâ fide students. Nothing could be more absurd than to call the present body such, except, perhaps, an endeavour to compel them to become such. In fact, it could hardly be possible to imagine a greater contrast than that between the ideal present to the Founders' minds of a poor hard-working student of theology, copying manuscripts, disputing in the Schools, living a life of monastic severity, and the fellow as he at present

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exists, with his comfortable rooms, liberty to roam over the world, and 200*l.* a year with nothing to do for it. All that subserved private interests has been retained; all that conduced to public benefit has been given up.

It is foolish to reply that the true reform is to restore that severe system which the Founders contemplated. The monastic system cannot be restored. The one thing that could be enforced is the residence, and to enforce that now would be more mischievous than the present laxity. If fellows are to be elected as they are now, their idleness is less hurtful than would be their attempts to study, and their idleness away from Oxford than their idleness in the place.

The fact is that the Founders aimed at several objects which they believed to be compatible with each other. They aimed at creating a body of real students, at connecting study closely with religion, at assisting the education of the poor, at benefiting their own families or certain localities and schools connected with themselves. Their belief was that any man who was willing to study might be made into a student. And if this were so, there was no reason why those who were to be made into students should not be selected for their poverty or their birthplace or on any other principle of choice. But experience has very plainly shown that it is not so. To be a student requires a natural vocation more than any other kind of life, for more than any other it tends to isolate a man from his fellows, and there are few who can bear that. The result is, that in the attempt to realize some of the objects contemplated by the Founders we have quite lost the most important of all.

And this incompatibility, which always existed but was not always perceived, has now by the change of times and circumstances become glaring. There can be no question that the local stimulus of rewards confined to special birthplaces did much then to encourage learning; but we have now outgrown the need, and only feel the fetter. The change of manners too has deprived us of the check which once restrained idle men from undertaking what was then a laborious life.

Colleges now constitute the University, and must be dealt with accordingly.

But lastly, it must be remembered that the colleges were founded one by one, and what might be borne in each separately becomes intolerable in so many together. Each Founder thought of his own college as a small body in the midst of a large one. The University was strong enough to hold its own course, and the rules which governed a single college were of importance only to itself. The influence of the University too upon the college was very great; and if the college statutes did not tend to the advancement of learning, the atmosphere of the place neutralized much of their mischief. One after another the colleges were founded, without its being perceived that they were absorbing the University. Gradually, as the fellows became more numerous, the body of independent masters dwindled away; and the halls died out before the colleges. Laud sealed the victory of the latter by forcing all the undergraduates within their walls: but Laud only systematised what was already done. The fellows had become, and have ever since remained, the practical rulers and teachers of the University. The college statutes have thus become statutes of the University; the college foundations have become institutions of the University; and in common justice their new position subjects them to principles of interference not contemplated at the outset.

Summary of reasons for interference.

In short, a literal interpretation of the Founders' wills has become a mere superstition. To secure the great object at which they aimed, the advancement of learning and religion, is a duty. To seek it by means which are now found not to reach it, or to tie it to conditions which are now found to render it unattainable, is absurd. To make the changes proposed above is not an interference with private property, for the property is not private; it is not the betrayal of a trust, for the trust was essentially conditional; it is not a departure from the intentions of the founders, for it only gives up a secondary object when no other way remains to secure a primary: and it is demanded by common justice, for the colleges are now injuring the University, under whose shelter they were meant to live.

This reform the primary one.

Of all the reforms to be made at Oxford this appears to me the vital one. Without a thorough reform here, all other reforms are as likely as not to be mischievous, for the skill to use them will be wanting. With a thorough reform here, all others become of less importance, for they are sure at last to follow.

No corporate body is really reformed till its ablest men are put at the head of it. The fellows have become the head of the University and cannot now be dislodged. The nation is bound to see that they are the ablest men which the University can supply.

When this is done there will be some meaning in the cry for "internal reform:" till then, any real reformation from within is impossible.

THE CONSTITUTION.

The supreme power in the University is practically lodged in two bodies, the Hebdomadal Board and the Convocation. There is a third body, called Congregation, once apparently of some importance, now of very little.

The Hebdomadal Board consists of the Heads of colleges and halls, and the Proctors; the Convocation, of all Masters of Arts or Graduates of the higher degrees who have kept their names on the books.

All measures are prepared by the Hebdomadal Board. They are then submitted to Convocation, which approves or rejects, but cannot make amendments. The Vice-Chancellor singly, or the two Proctors conjointly, can forbid a measure to be submitted to Convocation, even after it has passed the Hebdomadal Board.

The two bodies together are supreme in regard to the University, except over what are called the Caroline Statutes, which cannot be altered or repealed without the consent

of the Crown. The three which are usually understood to be indicated by this name are not of any importance. *Rev. Frederick Temple, M.A.*

Of these two bodies, the Hebdomadal Board and Convocation, it is not too much to say that each looks on the other as the great obstacle to all real improvement.

The Convocation includes a great number of Masters who have long ceased to reside in Oxford or to keep up any close connexion with it. These are, of necessity, very little aware of the changes that may be required; and it is not surprising that, when summoned from the country to vote, they should be somewhat impracticable. Convocation.

The evil has, however, to be weighed against a great gain. It is no slight addition of strength and dignity to the University that she thus spreads over so wide an extent of country, and any change would do mischief that robbed her of this; and it is undeniable that in the long run the residents lead the non-residents.

The Hebdomadal Board, as at present constituted, has the same defect, without the same advantages. The Heads of houses, equally with the mass of non-resident Masters, are generally men who have long ceased to have anything to do with the great business of the University. They live much together, and know little of the changes going on in the lower academical ranks. With very few exceptions they never lecture. They may perhaps be aware of any change in external manners, but with the current of thought and opinion they cannot be acquainted. They may be very fit to legislate on points of discipline, but what will best promote the studies of the place they cannot know except by hearsay. Hence their measures seem partly developed out of some clever but unsuitable theory, partly fettered by the fear of some unseen danger, partly put together out of scattered and inconsistent suggestions. They complain that Convocation is impracticable. The reason has been mentioned above. Yet perhaps, if the Hebdomadal Board had better means of finding out what was really needed, Convocation would not so often reject their proposals. Hebdomadal Board.

There is not the same reason against change in this case as in the other, and the reform is both obvious and easy. All that is needed is to introduce the Professors and some delegates from the Masters of Arts. Such a body would very nearly correspond to the present Congregation, but it would be too large to work. A fixed number elected by the whole body out of each of its three component parts would form a board combining many advantages and realising all that was needed. Proposed Hebdomadal Board.

It does not seem advisable to give independent Masters a right to move amendments. Amendments that could not find an entrance through either the Professors, Delegates, or Heads, would better wait. An aristocracy, after all, and not a democracy, is the right form of government for a body whose object is education.

The powers of the University seem sufficient for its needs. The restriction in regard to the Caroline Statutes is useless, and should be abolished. And perhaps it would be well to require an approval by the University as a condition of the acceptance of any future endowments by a college. It would not be right to allow any authority less than Parliament to deal with endowments already existing.

It is not enough to provide for the present. It is necessary that steps should be taken to prevent a recurrence of the evil. A body like the University of Oxford, away from the metropolis and the focus of political action, is peculiarly liable to fall behind the day. To prevent this, public opinion should be brought to bear upon it; and this can only be done by the visitors. Future working.

The colleges are at present subject to the visitation of Visitors appointed by their respective statutes. The Crown is the Visitor of the University, and of several of the colleges as well. The visitation of the Crown is always exercised by the Lord Chancellor. The powers of the Visitor are ill defined, and seldom exercised, except in appeals against a college either by members of it or by other persons. There can be no doubt that many abuses might have been checked, had the visitations been regular. Visitation of Colleges.

It would not be advisable to remove the present Visitors. Such a change would not be necessary, and unnecessary changes are evils.

If all the Visitors were constituted into a board, under the presidency of the Lord Chancellor as representing the Crown, this board would consist of the Lord Chancellor, the two Archbishops, the Chancellor of the University, the Earl of Pembroke, the Bishops of Winchester, Exeter, Lincoln, Oxford, and Worcester. To this board might perhaps be added the Chief Justices, the Chief Baron, and the principal Secretary of State. Each Visitor might then be required to visit the college or colleges intrusted to his care once in two years (personally, or by commissary), and to report to the board. If any Visitor neglected to report within three months of the time fixed, the Lord Chancellor should be empowered and required to act in his place. The form of Report would be drawn up by the Board, and the Reports themselves would be published. Proposed Board of Visitors.

Miscellaneous Remarks.

There are a few points of not perhaps equal importance, on which I beg leave to submit a few remarks:—

1. I should suggest the expediency of taking steps to form a University Fund for miscellaneous purposes. Such a Fund might be spent in procuring occasionally the services of very eminent men as extra professors, when there did not happen to be a vacancy to offer them in the ordinary course. To a University it is of the highest importance to Fund for miscellaneous purposes.

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secure the presence of the great teachers of the day. A Fund is also needed for the erection of University buildings when required. Such a Fund would also enable the University to encourage researches in physical science, which were too expensive for private individuals.

Libraries.

2. I should also suggest that the Bodleian and College Libraries might easily be rendered more useful. A good reading-room, properly warmed and ventilated, would greatly improve the former; and printed catalogues, sold at a cheap rate, would much facilitate the use of the latter.

Procuratorial Cycle.

3. The present Procuratorial Cycle is not satisfactory. The proctors are too often not enough acquainted with the actual working of the University. The rotation is not quite fair.

It would probably be better if they were elected by the tutors, who are, above all other members of the University, charged with watching over the discipline.

4. The system of private tuition is a cause of needless expense to very many; but, at the same time, its effects are often undeniably good. I do not think it can be set right by any direct remedy. If the college tuition and the professorial lectures were what they ought to be, it is probable that much of the private tuition would die out.

I would observe, in conclusion, that if I have availed myself largely of the permission contained in the last sentence of your circular, it has been done for the motive there suggested.

I have the honour to be,
Your obedient servant,
F. TEMPLE.

E. A. Freeman, Esq., M.A.

Answers from Edward Augustus Freeman, Esq., M.A., late Fellow and Rhetorical Lecturer of Trinity College.

3. The power of the University to make, repeal, or alter statutes.

Legislative powers of the University.

This question appears to involve two principal considerations,—First, the general aspect of the legislative power enjoyed by the University as an independent Corporation; and, secondly the particular internal mode in which that power is exercised.

1. Its independence as a Corporation.

First. The power of legislation vested in the University appears to be merely an instance o the right enjoyed by all Corporations to make bye-laws binding upon their own members, it being simply understood that such regulations should not contradict the known laws of the land. That the right is in this case exercised with greater formality and circumstance, is only the natural result of the antiquity and dignity of the Corporation in question. Without denying the abstract authority of the Legislature to interfere in this or in any other respect, it is evident that, unless some very strong case can be shown, any violation of this privilege would be an act of extreme hardship and injustice. The legislative independence of the University has also the great advantage of preserving a stability of character not too dearly purchased by a certain amount of slowness of action. The University, as now constituted, while fully open to the influence of clearly pronounced public opinion, is not directly affected by the fluctuations of political party, as could hardly help being the case with any body more closely allied with the State; and is therefore able to persevere in a course of steady self-reform, adapting itself to real changes of circumstances in the Church and nation, without implicitly yielding to the mere outcry of a moment. The object of any changes in the legislative constitution should be to combine these two objects, to make it, if necessary, still more open to the declared and enlightened voice of the country, and, as little as possible, implicated in mere temporary disputes, such as the policy of particular Administrations.

2. Its actual constitution.

Secondly. The actual constitution of the legislative body seems open to many objections; some changes in it would probably both generally improve its character, and particularly conduce to maintaining the particular tendency just defined. This resolves itself into two questions; (1.) The constitution of Convocation itself; (2.) The powers assumed by the Hebdomadal Board.

Convocation.

(1.) The objections often made to Convocation as a "mob," &c. seem to have *practically* no weight, or, at all events, apply merely to its elective, and not to its legislative, functions. In most cases the work of legislation is done by a small body of persons very well qualified for the purpose. Such a case as the degradation of Mr. Ward, when advantage was taken of a theological excitement, to make Convocation step out of its legitimate sphere, is no fair exception. The most important legislative work of late years, the new Examination Statute, was executed by very much smaller bodies, consisting almost entirely of residents, and of the few non-residents who had given special attention to the subject Yet it is equally clear that a meeting of all persons entitled to vote, would have been, both by its numbers and character, very unfit to entertain such a question, on which many of the legislators would have been far from qualified to pronounce an opinion either way. Still, I am strongly of opinion, that the difficulty, not being a practical one, may be left to right itself; but a suggestion bearing on it will be found in my answer to a subsequent question.

(2.) By the present constitution, the Convocation is only capable of entertaining such questions as are proposed to it by a Board consisting of the Vice-Chancellor, Heads of Houses

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and Proctors, and is only allowed to affirm or reject the propositions laid before it without power of amendment. This power, in the extent to which it is now carried, is believed by many persons skilled in University law and antiquities to be an usurpation. Without entering into this question, which would require a research for which I have no opportunity, I will make some remarks on the abstract expediency of the system, as a political constitution.

That some preliminary board in legislative matters is absolutely required hardly needs to be proved; otherwise there would be no end to the questions raised by individual members. And, though I should be inclined to concede in any case the right of amendment, I think it very desirable that some such Board of *πρόβουλοι* should have the sole right of making an original substantive proposition to Convocation, it being understood that suggestions made to the Board by individual members should receive due examination.

Hebdomadal Board.

But the Board, as at present composed, seems open to great objections. It is one rather adapted for executive than for legislative purposes. To carry out the general internal discipline of the University, the three executive officers of the University itself, and the principal officer of each College, may be considered a very appropriate body; but many objections seem to lie against their exclusive possession of the initiative in legislative proceedings. The qualifications of a Board of *πρόβουλοι* would seem chiefly to be a relation of independent responsibility to the larger body of which they form a Committee, (similar to that of a member of Parliament to his constituents, or of a minister to the Parliament,) and an incapability of forming a clique, or in any way possessing feelings and interests alien from those of the University at large. It is clear that these requirements are not met by the Hebdomadal Board, which forms an oligarchy in very nearly the strictest sense. Its members are appointed for life, and are therefore irresponsible; they also form practically a distinct rank, socially and politically, having but little interchange of sentiments with the University at large. Such, without imputing blame to individuals, and indeed, allowing for frequent individual exceptions, is the natural tendency of a body of this kind. New members of a permanent body, entering, as they do, singly, can have but little influence; unless they are men of unusual energy and originality of mind, they naturally sink into the routine which they find already existing. Consequently, the presence of two annual and independent members, in the persons of the Proctors, can be, in ordinary cases, but of little practical benefit.

An independent responsible body, while it would better insure a policy in accordance with general feeling in the University, would also probably be more open to legitimate, and less to illegitimate external influence than the Board as at present constituted. It cannot be denied that the natural tendency of an oligarchical body is to ignore opinion external to itself, and to oppose all innovation. Its normal condition is one of simple conservatism. On the other hand, the individual members of the Board, persons placed for life in a conspicuous position, are far more open to influence in the way of ministerial favour, &c., than temporary members taken from the mass of Convocation. The Board also itself, from the very circumstance, in some measure, of its natural aversion to change, is more open to be influenced by a popular outcry for some sweeping alteration, which more moderate reforms at an earlier period might have obviated. Its tendency is to postpone change till it is forced upon it; in short, to diversify a normal state of quiescence by an occasional state of revolution.

Certainly an elective and responsible Board would usually contain an element of life favourable to constant, moderate reform. New members also of a Board periodically renovated, would find themselves in a more independent position. Above all, they would represent the real feelings and wishes of the legislative body itself.

Wants new elements in it.

Questions of detail, as to the number, mode of appointment, duration, &c., of such a Board, are of minor importance, if the principle itself be allowed. So as the Board be responsible, periodically renewed, and not confined to any particular class in the University, I am inclined to think they are very nearly indifferent. Perhaps, to avoid the evils of frequent public elections, to appoint some periodically renewed officer of each College would *practically* answer best, though such a scheme is open (in common with the present system) to the *theoretical* objection of confounding the University and the Colleges, and of throwing exclusive power into the hands of members of foundations.

Power of amendment in Convocation.

But in any case, I am strongly of opinion that the right of *amendment* should be restored to Convocation, confining the initiative to the *πρόβουλοι*. The present system places Convocation in the awkward position of being obliged to accept entire, or to reject entire, measures whose acceptance in a modified form would be thought much more desirable than either. A measure, whose principle is approved, may be rejected on account of faulty details, or faulty details may be accepted, if the general principle be approved. The necessity of every measure, any essential portion of which is rejected, going back to the Hebdomadal Board, necessarily introduces a clumsy and tedious mode of proceeding; a measure once rejected, may be proposed again and again, and, perhaps, at last be carried through by sheer weariness. For instance, the new Examination Statute was produced in four shapes, and carried piecemeal; probably at every stage no one was exactly satisfied, but voted for or against some portion as the least of two evils; had the right of amendment existed, it might have been carried, in a modified form, at once. I may certainly assert this of one stage; I strongly objected to the details of the Modern History School in its last form. The principle had been affirmed, so it was merely a question of detail; had it been open to me, instead of endeavouring to throw it out entirely, I should certainly have moved an amendment; I know that several members of Convocation shared my objection, but thought it better to let it pass, faulty as they considered it, than to have the whole controversy raked up again. These persons would doubtless have supported an amendment, which would have been far more satisfactory than either of the two extreme courses which were our only alternatives.

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I said that I thought it advisable that this right should be restored, whatever be the constitution of the preliminary Board; but it is doubly necessary with one constituted like the present.

4. The mode of appointing the Vice-Chancellor and Proctors.

The Vice-Chancellor.

The Vice-Chancellor is, in theory, nominated by the Chancellor from among the Heads of Colleges, and submitted to the approval of Convocation. Practically, he is appointed, by a certain modified rotation, from among the Heads; and the right of Convocation to reject a nominee has been of late years denied. This is generally held to be an usurpation, and the fact that it was found advisable to alter the popular statement in the Oxford Calendar into conformity with the present practice certainly has a suspicious air. Were this right restored (simply as a safeguard against the possible case of an objectionable appointment), I see nothing to complain of in the present system, except that, perhaps, Heads of *Halls* might be advantageously made eligible for the office. It is certainly desirable to confine it to Heads of Societies. Except in the case of persons like Canons of Christ Church, and some of the more eminent Professors, (a class, the difficulty of defining which would be an insuperable objection,) there would be a great difficulty and awkwardness in a subordinate member of a College being the resident Head of the University. The Headship of a College may also be reasonably conceived to be the best preparation for the practical Headship of the University. Nor do I see any objection to the system of rotation. Election, practically carried out, among a small body, is invidious; and the office of Vice-Chancellor does not seem to be one requiring any great personal qualifications; not much beyond that gentlemanly demeanour, those habits of business, integrity, and common sense, which may be reasonably looked for in an average Head of an Academical Society; but against the possible absence of which the veto of Convocation ought to be allowed to remain as a safeguard. The appointment of the Vice-Chancellor for four years by annual re-election, and the system of Pro-Vice-Chancellors, also seem good; a shorter term would remove an officer as soon as he was well accustomed to his office; a longer one would not give, as at present, each Head a reasonable prospect of succeeding to the place. The annual re-election should be retained, as giving both to the Chancellor and Convocation the power of removing an objectionable Vice-Chancellor at the end of his year, in any case calling for so extreme a measure.

The Proctors.

Much of what has been said with regard to the appointment of the Vice-Chancellor applies also to that of the Proctors. These are appointed by private elections in each College, the several Colleges having their turns according to an elaborately calculated cycle. These elections have practically become a matter of rotation, the appointment being generally given to the senior Fellow (of the specified standing) on the foundation whose turn it is. Practically, there seems no objection to this system, though of course theoretically it is, like the appointment of the Vice-Chancellor, a corruption. Like that office, the Proctorship—allowing for a certain tact, on which it might perhaps be difficult to reckon beforehand—seems to require only *average* qualifications;* so that its appointment may be fairly left to lot or rotation, preserving of course the power at present existing of rejecting any positively objectionable candidate.

Procuratorial Cycle.

This approval I would confine to the general system of appointing by a cycle. The cycle, as it at present exists, clearly stands in need of reform. The only principle on which it goes seems to be the actual number of members of the foundation of each College, which is certainly no guide even to the proportion of resident members, far less to the general importance and estimation of the College in the University. Consequently a very undue number of turns is given to Colleges of very little repute, and even consisting of very few resident members, while some of the most frequented and distinguished have extremely few. A reform of this would be both very desirable in itself, and would also obviate the only objection of any force which I have found brought against the present system of appointing Examiners.

5. The government of the University, and its relation to the Colleges, &c.

I have considered the most important heads of this question in my answers to the two preceding ones.

7. The expediency of an Examination previous to Matriculation, &c.

Matriculation Examination.

I am decidedly of opinion that a public Examination in the University, previous to Matriculation, which I conceive to be suggested in this question, would be expedient in the highest degree. At present there is no certain standard of admission to the ordinary membership of the University, it being left to the discretion of each particular College. In some the Matriculation Examination is a reality, in others it is little more than nominal, so that a person rejected by one College may obtain admittance in another. An uniform standard in this respect, as in every other, is surely desirable, and that one much higher than the present average; one, I should be inclined to say, very nearly as high as the present standard of an ordinary degree. If boys have not obtained at school the small amount of classical learning required for the latter, it is hard to say to what their studies have been directed during so many years; and it is clear that the prospect of a real Examination at the very threshold of their University career would be the strongest possible excitement to increased diligence, and the scandal might be avoided of so many members of the University absolutely incapable of the barest schoolboy attainments.

* "There remained to these archons only a routine of police and administration, important indeed to the State, yet such as could be executed by any citizen of average probity, diligence, and capacity—at least there was no obvious absurdity in thinking so; and the Dokimasy excluded from the office men of notoriously discreditable life, even after they might have drawn the successful lot."—*Grote, Hist. of Greece*, iv. 192.

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The two next suggestions ("of diminishing the length of time" and "of rendering the higher degrees real tests," &c.) I will take together, and will venture to connect with them some further views with regard to Academical studies.

Higher Degrees.

I should very much doubt the possibility—though, if possible, it would be highly desirable—of imparting any very practical character to degrees in the three higher faculties of Divinity, Law, and Medicine. At present the two first are merely nominal distinctions, not implying any proficiency in the two sciences respectively; the third implies a certain proficiency, but one not acquired in the University. With regard to Divinity, in the present divided state of opinion in the Church, it would be hardly possible to institute any examination into the merits of candidates; what is merit in the eyes of one would be demerit in the eyes of another; for on this subject it would be clearly objectionable to award honour, as might be done on many subjects, to mere information and intellectual display, irrespective of truth or falsehood of opinions. On such a system Gibbon would have earned a theological degree more justly than many of our most eminent divines.

Divinity.

Civil Law.

The faculty of Civil Law has become even more completely a mere name than that of Theology. Of course, in this case the same objection to a test of merit would not apply; but it is very unlikely that the study of Civil Law should ever really flourish in England. It does not appear ever to have attracted the same attention in the English as in some of the foreign Universities. The independent character of our insular legislation disdained that servile conformity to the Imperial precedents which prevailed in many other countries. For a practical English lawyer Civil Law would seem to be of but little use; and scientific students of jurisprudence will always be so small a number, that a faculty composed solely of them would be but of very limited extent.

Again, if the system—one, to my mind, singularly confused and unintelligible—by which, under the provisions of the new Examination Statute, Civil Law and other branches of Jurisprudence are united to "Modern History," be permanently retained and practically carried out, it is hard to see how a distinct (practical) faculty of Civil Law can exist, whilst its subject of study forms a branch of the Arts Examination.

And it may be worth some little consideration whether, in such a case, it would be possible to retain the Degrees in Civil Law, which the University is wont to confer, as an honorary distinction, upon persons of eminence.

Medicine.

With regard to Medicine, it is clear that, in the present state of medical science, neither Oxford nor any other University not situated in a great city can ever be a real practical school in that faculty. It is at the same time equally clear, that it is very desirable that members of the medical, as indeed of all liberal professions, should be more generally members of the University than they are at present, and that every encouragement should be given for that purpose. There seems no reason why the University should not confer Medical Degrees on persons, who, having gone through the ordinary course for a degree in Arts, should subsequently go through the usual medical course in London or elsewhere, and produce the proper certificates of proficiency from the authorities there. To require a further examination in Oxford seems quite unnecessary; the course suggested would surely be nothing more than a legitimate adaptation to circumstances.

The difficulty would be that medical students would generally be unwilling to undergo the expense of a University course, in addition to what is exacted by strictly professional requirements. This would of course be partially obviated, if the University offered more encouragement to medical study, in the way of endowments. The foundation of medical exhibitions would be an excellent channel for both public and private bounty. And it might be worth considering whether some of the many practically useless Lay Fellowships in such Colleges as All Souls and New College, might not be made serviceable in this way.

If a close connexion can be formed between the University and any profession, which at present exists only in the case of divinity, and, less completely, of law, it should surely tend at once to raise the character of the profession, and to extend the influence and usefulness of the University. This applies not only to medicine, but to architecture, engineering, and other pursuits, the importance and consideration of which are daily increasing.

But there is another consideration which seems implied in the wording of the present question. As "higher degrees" seem to be opposed to "the first degree," that of Master of Arts is apparently included, as well as degrees in the superior faculties. I am strongly of opinion that this degree might be made a real test of merit with very great advantage to the University.

Master of Arts' Degree.

Without entering into the details of any scheme, I should propose that the degree of Master of Arts, involving, as it does, such important powers in nearly all academical business, should not be simply conferred as a matter of course, after a certain lapse of time, upon all who may, with whatever difficulty, have obtained an inferior degree; but should be made a really honourable distinction, conferred only after a real and searching examination. By such a system, the numbers of Convocation would be diminished, and its character improved; the honour of a seat there would no longer be conferred at random, but confined to the *élite* of the University; Convocation would thus be much better qualified to discharge its legislative and elective functions, and its proceedings would carry with them a much greater amount of public respect. Nor would the relations of the University and the Church be affected; it is the Bachelor's degree alone which is required for ordination; the Master's would remain optional, as at present; only those who desire it would have to enter upon a further course of study. The most fitting subjects for such an examination would doubtless consist of the higher branches of philosophy, history, and physical science; care being taken that real proficiency in one branch should obtain the degree, so that the Student might not be diverted by multiplicity of subjects, from that pursuit, whichever it might be, to which the bent of his own mind might

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lead him. Special honours would not be required, if the standard were fixed, as it ought to be, so high as to make the degree itself an honour. Residence after the Bachelor's degree might probably be left optional as far as legislative compulsion is concerned, but it is clear that there would be every inducement to it on the part of those who were candidates for a Master's Degree.

Diminished length of residence.

If there were real examinations, both for Matriculation and for the Master's Degree, it almost necessarily follows that "the length of time required for the first Degree" might be diminished. In any case I cannot conceive how the long time at present required can be necessary for the ordinary examination, as it stands now, or even for a considerably severer one. And this seems practically admitted by the University, from the facts; 1st, that the amount of residence is in practice reduced one-fourth; and 2ndly, that the examination may be passed before the required residence for the Degree is completed. But if a considerable proficiency were required for Matriculation, and the higher subjects were in a great measure postponed to the Master's Degree, so long a period would be still less necessary. With candidates for an ordinary Degree, much of the time now wasted might be saved; while to those who sought higher distinction, it would be a great advantage to have their more rudimentary studies off their hands at an earlier period, so as to give their undivided attention to the higher branches required for the Master's Degree.

If these suggestions, or anything having at all the same object, should ever be carried into effect, it is clear that a complete revision of the new Examination Statute would be required. With an examination for Matriculation, and the Bachelor's Degree conferred at an earlier time, (to say nothing of the proposed examination for the Master's Degree,) there would hardly be occasion for the three examinations instituted by that measure. In fact, one of them would practically be for Matriculation; a second for Responsions, and a third for the Degree would be amply sufficient.

New Examination Statute.

Objections to it.

And having necessarily alluded to the new Examination Statute, I may be allowed, as having been, perhaps, more prominent than any other Member of Convocation, in opposition to it in all its stages, to state briefly to the Commissioners, and to all other persons before whom this evidence may in any shape be brought, the grounds on which that opposition rested. I do not mean to enter into a detailed argument, having already done so in several forms, but merely to endeavour concisely to answer some very general misapprehensions. It seems to have been generally assumed that all opposition to that, as I consider it, very ill-advised proceeding, must have originated in a blind hatred of change, and unreasoning attachment to an existing state of things. Some would even add, of a wish absolutely to set bounds to human inquiry, and to discourage the pursuit of certain branches of knowledge; some, still more unreasonably, have identified all opposition with the efforts of theological and political party. These accusations, utterly unfounded as they were, were continually repeated in those newspapers which advocated the cause of the statute, and which, till the question was decided, refused, in the true spirit of party, any attention to statements of the real truth of the case. As in some sort the representative of that opposition, I claim, as an act of justice, at the hands of those appointed to report to the Sovereign and people of England, on the "state" and "studies" of the University of Oxford, the means of declaring the truth on a point with which any accurate understanding of that "state" and those "studies" are so intimately connected. Of course I do not pretend to deny that some of the opponents of the statute may have been actuated by a blind hatred of change, any more than that some of its promoters may have been actuated by a blind love of novelty; but its promoters had no more right to assume the former of all its opponents, than they had to assign the latter as the sole motive of its authors. To speak of myself, personally, the charge of endeavouring to discourage studies to which my life is devoted, and to promote the interests of parties to which I do not belong, may, to my own mind, savour of the ridiculous. In a public capacity, I can only explicitly deny any such imputations on myself, and on all the distinguished members of the University, who sympathised with me on the subject. The obscurantist party, if it existed, or extended beyond a single member, certainly did not honour us with its confidence.

Leaving the question of Physical Science to those who may be better able to judge either of its general utility as a pursuit, or of its capability to be made a branch of academical study—two questions as distinct as well may be, I will briefly recapitulate the grounds on which we considered Modern History to be an inappropriate subject for University examination, and the details of the new statute especially calculated to promote erroneous and superficial views on the subject, to hinder, instead of to promote, anything like sound and accurate acquaintance with the study it professed to foster.

School of Modern History.

We considered that the end of an Undergraduate course, was not the complete carrying out of any one branch of knowledge, but the laying a foundation on which the Student may subsequently build up a thorough knowledge of any. The old course did not profess to accomplish, in three or four years, the arduous task of producing perfect historians, or perfect philosophers; but it gave the Student the best possible start for becoming whichever his taste might dictate in after-life. In Aristotle and Butler, it presented the groundwork on which any extent of mental and moral science might be subsequently engrafted. In History it selected a typical age and people, which exhibited, by way of sample, the history of the world compressed into a small compass; a knowledge of which is necessary to the subsequent study of other periods, and forms the best preparation for them. Now, I speak with diffidence, as my own personal incapacity for acquiring all historical knowledge in four years, or even more than a very small portion of it in a much longer space of time, may, perhaps, render me envious of those more extended powers which the requirements of the new statute seem to presuppose in members of the University in general; but I should certainly have otherwise

thought that the subject was far too extensive to be learned in so limited a period, and that an attempt so to acquire it would only issue in very imperfect and superficial knowledge. *E. A. Freeman, Esq., M.A.*

Objections of this kind are now themselves only matters of history; still a statement of them is necessary to obviate the belief in any mind, that so large a minority of Convocation as that which opposed the new Statute were all engaged in a conspiracy to retard the advance of historical knowledge. For myself, it was as an historical student, anxious to promote in every way the advance of my own study, believing the old way to be a good way for that purpose, and the new way a bad one, and anxious to preserve to my successors what I had so greatly benefited by myself, that I ventured to assume, on this occasion, the appearance of narrowness and the reality of liberalism—the appearance of retrogression and the reality of reform.

I may also state, that on the first mention of Modern History as a branch of study in the University, I, like probably many others, caught at it as a means of advancing my own pursuit. It was only on maturer consideration that I perceived the *ignis fatuus* character of the meteor which dazzled me for a moment. I can now only hope that I may have been mistaken in my judgment.

This, however, is all now only a subject of regret; at the same time a clearing up of the misrepresentations with which the question has been clouded, is necessary to give a full account of the state of the University. It is not possible to go back; it is too late to think of excluding Modern History from the University course; and in fact, if it were reserved for later study, for the Master's Degree instead of the Bachelor's, some of the objections would be, to a certain extent, removed. But, if any recasting of the times and subjects of examination should be ever carried into effect, it is not too late to reconsider the strange separation which the new statute has effected between "Ancient" and "Modern" History, in despite of the almost prophetic denunciation of any such course which proceeded from the illustrious man, whose name is, to a certain extent, identified with the general line of thought which is supposed to have issued in the present changes. Any word from the mouth of Arnold was weighty; but this needed no extrinsic support. The charge ordinarily brought against the University, is that it devotes too much attention to what are thought to be the unpractical studies of classical literature, philosophy and history. The vulgar error supposes these to be all something utterly past and gone, without any living connexion with present things. By throwing all our later studies into one heterogeneous mass—somewhat less heterogeneous, it must be confessed, than in the first form of the statute—entirely apart from our classical pursuits, we seem to plead guilty to this accusation; to confess that our study of "Ancient" History, has no practical bearing upon that of "modern" times. By the establishment of a distinct "School of History," without that shallow, unphilosophical, and unnatural division into "ancient" and "modern," which it is indeed strange, after the labours of Arnold, to see revived and stereotyped in his own University, we should proclaim the natural and necessary connexion of the two; we should show practically that we do not consider our "ancient" studies to be lifeless and unprofitable speculations, and should provide the best means for a sound and philosophical study of "modern" times.

Perhaps the best way would be to require for the Bachelor's Degree, the same amount of "ancient" history as at present, reserving "modern" for the Master's, but requiring of every candidate for the latter degree in the Historical School, to have exhibited a certain amount of proficiency in the same school, at the examination for the Bachelor's Degree.

And, in any reconsideration of the subject, we might recast the strangest enactment of all, that which commences the study of English history and jurisprudence with the temporary destruction of English nationality.

8. With regard to the question of "the Professorial system," it has always appeared to me that two points of great importance have often been obscured in the controversies which have arisen on the subject. Professorial System.

First, it is often taken for granted that "the Professorial system" is something at present existing, which might be improved and expanded, or at least something which has existed, and might be revived. On the other hand, it seems to me that the system proposed to be established is something practically new, which at the very utmost has been merely contemplated, but has not at any time had any practical existence. I would not of course be understood as arguing that this is any conclusive ground against it; the new system may clearly be in every respect much better than the old; I only mean that it should be put directly on that ground, both by its supporters and its assailants.

As far as I can gather, the mediæval Professors, allowing for change of times and circumstances, answered much more closely to the Private Tutors, than to any other class of persons now existing in the University. If I am rightly informed, the private tutors at Cambridge would afford a parallel still more exact. The endowed Professorships of particular subjects are all of comparatively recent foundation; comparatively unprofitable as they are now, it may be doubted whether they have at any time been much less so; at all events, they seem never to have had—many of them from their nature could not have—any practical influence upon the studies required for the first Degree. To bring them into connexion with it, may be desirable or not, but the question must be argued, for and against, on the ground of a distinctly new proposition. Different kinds of Professors.

Secondly, there seems to be a fallacy lurking in the name Professor. I should think that the name bore very different meanings according to the subject in hand. Some Professors are instructors of the same kind as College Tutors, others of quite a different kind. That is, where a study is of general obligation in the University, the functions of the Professor are very

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different from what they are when the subject in hand forms merely the private and voluntary study of individuals. In the former, his lectures ought to be something supplementary, illustrative of the more elementary instruction conveyed by the College Tutor; in the latter his functions are identical with those of the latter, allowing only for the difference of subject. From a Professor of Greek, the student might naturally and reasonably venture to look for some general course on the literature and philology of the language, which would form the appropriate crown to the instruction given by the College Tutor in the text of particular authors. So the student of Thucydides and Livy would look for a similarly extended view of his subject from the historical Professor. In such cases the Professor does not directly communicate information, but rather illustrates and enlarges on the relations of what has been already learned. But in the other case, say of a Professor of Anglo-Saxon, without in the least excluding similar more extended views, it is clearly the business of the Professor to be also as it were a College Tutor for the whole University, which the paucity of students enables him to be, and to give instruction of the same kind, or even more elementary, as the College Tutor does in the case of Greek.

With regard to the former class of Professors, I do not see how any legislative enactment —except to make the Professors lecture—would be of much effect. When the Professors' lectures are worth attending, people attend them voluntarily, when they are fruitless, a compulsory attendance would be of no use. Nor is the case exactly the same as with compulsory attendance on more elementary instruction; the latter seems inseparable from any system of education whatever, and the higher and more general the kind of lecture, the less advantage there would be in an attendance not voluntary, where the benefit to be derived would be a finish and ornament of which comparatively few would be capable, and which would not be necessary for the mere obtaining of a Degree.

Additional Professors.

Additional Professors might perhaps be advantageously founded in some branches. If the subjects introduced by the new statute should ever attain much practical importance in the University, additional Historical Professors might be desirable. A single Ancient or Modern History Professor for the whole University seems to be rather an unfair monopoly of a subject which, unlike the exact sciences, admits of wide differences of opinion, with an equal amount of capacity and information, and in which, unlike theology, such differences of opinion cannot be justly branded, on either side, as positive error. It might tend to stop free discussion, and to stereotype a single set of theories. Any objection to the possibility of two Professors being thus set in an antagonistic position to each other, must be left to their own tact and good taste, just as in the case of two or more Tutors in a College, or of the different Theological Professors, who may differ widely on much more important points.

9. The most eligible mode of appointing Professors, &c.

Appointment of Professors.

In any reform on this point, or indeed on any other, the soundest course would seem to be not to set out with any general theory, but to reform any practical abuses which may be found. It would be hard to give any general rule as to the most eligible mode of appointing Professors; each of those in use appears to have its advantages and its disadvantages; but if either system be found to work badly in the case of any individual Professorship, the practical evil should be remedied. Theoretical objections of considerable weight might easily be brought against all the existing modes of appointment; and probably any one general rule would be found practically open to no smaller ones. It would be easy to argue that appointments by the Crown are liable to be affected by political considerations; that those by Convocation are open to indiscriminate and inconsiderate party voting; that appointment vested in smaller bodies, have a tendency to a system of jobbing, or even to a certain lurking dread of eminence and originality, which could not so well be conceived to affect either of the other two. On the other hand, a minister of the Crown may be supposed to stand aloof from internal squabbles in the University, while Convocation, though liable to be actuated by general feelings of political party, is free from momentary questions of political interest or patronage. Probably any one system of appointments would not work so well as the present mixed one. In like manner, any new Professorships founded by the Crown might well be in the gift of the Crown, any founded by the University in that of Convocation. And I may again remark that the proposed examination for the Master's Degree could not fail to make Convocation much better suited for that purpose.

The effect of existing limitations, &c.

Restrictions on Professorships

It can hardly need proof that any limitation or disqualification not involving any security for greater capability is, *pro tanto*, simply bad. And also in a foundation for a purpose of public benefit, like a Professorship, and where no question of oaths or other matters of conscience can possibly be involved, much less scruple can be taken at the interference of the Legislature than in the case of strictly private foundations. It is hard to see in what quarter injustice would be done if the absurd restrictions on the Anglo-Saxon Professorship were to be removed; it is yet more difficult to conceive how the locality of his father's birth-place can affect a man's qualifications for the office. I can mention two cases: one, of a gentleman who would have done honour to the place, who was disabled from standing, because his father was a native of Scotland; another, of one who was entirely shut out from the only prize open in that line, on the twofold ground that he was himself married, and that the Professorship had been once held by a member of his own College. It is evident that the more open any honourable distinction is, especially when that particular line of study does not afford many such, the greater encouragement is given to merit in that direction.

10. Limitations in the election to Fellowships, &c.

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In this question, also, I should greatly deprecate any sweeping change on any general theory, while many practical evils might be reformed. If Fellowships, Scholarships, &c., were simply rewards of merit, all limitations should clearly be done away with; but this was certainly not the view taken by the Founders, and I do not see how, even under all changes of circumstances, it can be exclusively put forward at the present day. Regarding a Fellowship or Scholarship as a maintenance for a Student in the University, there seems no wrong or absurdity in a Founder giving a preference to persons in some way connected with himself. Where the existing mode of election, whatever it be, answers well, that is, where the bounty of the Founder does not habitually go to clearly undeserving persons,—undeserving, that is, either in point of conduct, circumstances, or attainments,—I can see no reason for interfering simply to bring matters into accordance with any preconceived system. Where it really works badly, from whatever cause, let the needful reform be administered. Sometimes a rule, which was originally intended as a liberal one, has, in the lapse of time, acquired a character entirely opposite. Thus in the foundation of Trinity College, the Founder directed that, with the exception of Oxfordshire, there should not be more than two Fellows of the same county at once; Oxfordshire is allowed five. One can hardly doubt that the intention of the restriction was to keep the foundation as open as possible, by preventing the formation of any local clique. The exception may have been merely a pardonable weakness for his native county, or it may have been intended for the benefit of persons born in the University, who might be reasonably supposed to have less local feeling. But even against Oxfordshire a clear majority of Fellows is secured. In any case the restriction is clearly meant to be liberal. But now that local feelings are less strong, and birth in a particular county less generally implies any practical connexion with it, the danger is not to be feared; at all events, the evils of the restriction, which continually shuts out the most distinguished of the scholars from promotion in their own College, greatly overbalance its advantages.

RESTRICTIONS ON FELLOWSHIPS.

Changes—how far required.

Again, in Magdalen College, the Demyships are open to so large a portion of England, that, if the election had solely reference to merit, a succession of qualified persons could always be reckoned on. No *legislative* reform here seems necessary; but the restrictions on the admission of Demies to Fellowships, rendering the succession so extremely uncertain, is an evil of another kind, only to be remedied by a reform in the statutes.

Demies of Magdalen.

With regard to the tenure of Fellowships, it can be hardly necessary to refute the wild notion of their being made tenable by married men; if the proposers of such a scheme think the Collegiate system bad in itself, it would be much better directly to propose its suppression than to attempt thus covertly to destroy its most essential feature. Not to go further into the matter, such a system would at once, by rendering the succession infinitely slow, nearly abolish the existing stimulus to exertion.

But it may be worth considering whether it might not be advisable for Fellowships to cease to be life-appointments, and to be held only for a limited number of years, as at Wadham College and on the Michel Foundation at Queen's; though the duration of the latter is decidedly too short. A Fellowship is an admirable position for a young man, but it is hardly suited for one advanced in life; it seems in its very nature to be something merely preparatory to a more permanent settlement in whatever position or profession. The mode of life seems hardly adapted for an elderly man thoroughly to enter into; and while non-resident Fellows are in any case an evil, non-resident senior Fellows, voting in College business without any knowledge of existing circumstances, or any sympathy with the working portion of the society, are an especial evil. Again, holders of a Fellowship determinable after a certain period, would, if desirous of ecclesiastical preferment, probably accept the first benefice that offered, while still in the prime of life; while at present a Fellow not unfrequently refuses several livings in expectation of something more valuable, till at last he either enters on a parochial sphere when past the time of life for adapting himself to it, or else becomes a dead weight on the College in the shape of a permanent resident or non-resident.

Fellowships for a limited number of years.

11. The propriety of abolishing the distinctions, &c.

All distinctions of this kind seem to belong entirely to a past state of society, and, if at any time desirable, certainly are so no longer. The distinction between Grand-Compounders and others is particularly oppressive, because, 1st, the amount of income liable to this heavy charge is so low as in many cases to press very severely on the owner's means, and 2ndly, the distinction is an unfair one, by no means necessarily falling on those who are best able to bear it; inasmuch as it affects the actual owner of a small independency, while the heir to the largest property escapes. But, if the distinction remain, the exemption of academical income is perfectly fair, Fellowships so continually requiring some Degree, or more than one, to be taken, which would otherwise have been left optional. This applies especially to the higher faculties.

DISTINCTIONS OF RANK.

Grand-Compounders.

No less objectionable are those "distinctions between Noblemen, Gentleman-Commoners, and other Students," which the good sense of nearly every College of any reputation has already abolished in its own case. They seem relics of a period when the distinctions between the several ranks of society were not left to be made by tact, feeling, and silent conventionalities, but were marked off by formal and tangible badges. These are left off elsewhere, as inconsistent with the spirit of the present age; and it does seem strange that the last to retain them should be an institution dedicated to religion and learning, in which one would have thought they ought never to have been introduced in any age. Such artificial distinctions are at once unreal and objectionable; they cannot compass their own end, and it is an end undesirable to be compassed. And now, of course, that the system is not universal, and the most influential Colleges have abolished it, the fact of two Undergraduates being a Gentleman-Commoner and Commoner respectively proves nothing as to their comparative birth or even wealth. And if, as I believe

Gentleman-Commoners.

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is the case, any relaxation of discipline is made the privilege of this invidious distinction, the objection is increased tenfold.

13. The capability of Colleges and Halls, &c.

Inadequacy of present means of instruction.

It is hardly possible to expect that a sufficient supply of Tutors can appear at once in the subjects newly introduced; at the same time the demand will naturally create the supply, and I have reason to believe that some at least of the Colleges are entertaining the question how this may be effected. At the same time, from want of text-books, it is difficult to see how "Modern" History can well be made a subject of College lectures in the ordinary form. The lectures, by whomsoever delivered, could hardly fail to assume something of a professorial character. Probably, at least till a race of instructors in these subjects shall have grown up or qualified themselves, some arrangement might be made by which encouragement should be given to persons able and willing to open classes in such subjects not necessarily confined to members of their own Colleges. Maintenance might readily be found for such Professors or Lecturers in a slight addition—which might be payable either to the College or the University—to the present by no means exorbitant fees for tuition, which seems only reasonable when the range of instruction is so much extended. Perhaps it might be allowable for any Master, with the license of the Vice-Chancellor, to open such a class, and might receive the payment made by his own pupils, each Student intending to offer himself for examination in either of the two new schools being required to attend the course of some one Lecturer in his own subject. Details would be an after consideration.

15. Bodley's Library, &c.

Bodley's Library.

I think my opinion may probably be but a singular one, but I am very strongly of opinion that the use of the Library would be very greatly increased, if books were, under proper restrictions and securities, allowed to be removed and consulted at home. For want of this power I have individually made very little use of the Library, always preferring any other mode of obtaining access to a book. For a very large portion of residents in the University the hours for consulting the Library are most inconvenient, most persons having their time fully occupied till within an hour or two of the time when it finally closes for the day. The necessity of consulting a book only in the Library renders it almost impossible to make references at the moment when they are actually wanted; this is especially the case when they are wanted for any literary composition; notes taken in the Library and made use of at home are a very poor substitute for the presence of the volume itself. On the other hand, of course inconvenience would often be felt from one person wishing to refer to a book when it was in the possession of another. Yet I am inclined to think that, even with this disadvantage, a greater amount of profitable study would be got out of the books than at present. For my own part, in almost every case, I had much rather have to wait a few days and then be allowed to consult a book at my leisure, than be confined to the hurried and uncomfortable, though immediate, reference now afforded by the Library. And of books most in request several copies ought to be provided.

Books to be taken out.

I believe that at Cambridge books are allowed to be taken out of the University Library; I do not know the details of the arrangement adopted, nor how it is found to answer.

Reasons for answering the Questions of Her Majesty's Commissioners.

In conclusion, I would remark that in answering, to the best of my ability, those of the questions issued by Her Majesty's Commissioners which relate to subjects on which I have formed any decided opinion—many I have left unanswered simply from not having come to any definite conclusion on difficult and controverted points—I do not consider that I am in any way lending myself to any attacks on the privileges and independence of the University and its Colleges, which may possibly not be strictly illegal or unconstitutional, but which every person attached either to sound principles of education, or to those ancient liberties of Englishmen among which the freedom of the Universities is one of the most illustrious examples, can only look upon as in the highest degree inexpedient and unjust. I consider—

First. That in any case, if any Report of the state of the Universities is to be presented, it is of the highest importance that such a report should be as full and fair as possible, gathering statements both of facts and opinions from all quarters and from persons of all ways of thinking. Even without reference to any ulterior probabilities, I hold on this ground alone that any person is wanting to the particular sentiments which he may entertain, if, when the opportunity is offered him, he declines to put them forth in the fullest and clearest manner of which he is capable.

Secondly. Whatever may be thought of the desirableness or propriety of a Royal Commission in general, there are certain points, to which I have purposely drawn special attention, in which Her Majesty's Commissioners are the only persons to whom we can look for the initiative of reform. I allude to those portions of the Caroline Statutes with regard to which the hands of the University are tied. It is generally understood that no proposition for the reform of the Procuratorial cycle, or of the crying evil of all, the present Hebdomadal Board, can be entertained by the University without the previous sanction of Her Majesty. As we cannot expect that sanction to be given without full and sufficient inquiry, on these points at least we may look to the present Commission as our only chance of obtaining any sort of improvement. And I would therefore most earnestly and respectfully call the especial attention of Her Majesty's Commissioners to these points, that, by their recommendation, Her Majesty's gracious permission may be obtained for the introduction of some measure of reform on these questions, with regard to which the University is precluded from reforming itself.

Thirdly. On those points where the University is not thus tied, the Commissioners' Report may be the means of evoking some definite proposition on many questions which have, for some years past, been constantly canvassed in the University, and with regard to which there is little

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question as to some change being desirable, though there is wide difference of opinion as to the best means for effecting the end. Without any infringement on the liberties of the University, definite recommendations from the Commissioners would at least give matters a start.

Finally. With regard to the more difficult question of the Colleges, much may be done without any violation of chartered rights. The difference between University and College statutes is mainly this, that the former are like the legislative enactments of any other society, from the British nation to the smallest voluntary association, binding on each member while in force, but capable of being at any time altered by the same living authority, that of a perpetual Corporation, which originally enforced them. The Colleges are for the most part governed by statutes given by a person long ago deceased, in many cases without any power of alteration being reserved either to the Society or to any other authority, and the consciences of the members being frequently bound by a solemn oath to observe these statutes and not to receive any others. With every respect for the possible scruples of others, I myself strongly incline to the belief that as the right of the Founder originally to impose such obligations must, by the very nature of civil society, have proceeded from the express or tacit license of the State, every such obligation is incurred with an implicit reservation of the right of the supreme power to revoke the license originally given, and consequently that to admit new statutes sanctioned by the Legislature would not involve the guilt of perjury. I believe all rights and possessions both of individuals and of corporations to proceed from the State, and to be at any time liable to *privilegia* affecting them. But the enacting of such *privilegia* has ever been esteemed the most delicate and difficult office of any legislative body, and the delicacy and difficulty in the case of corporations, though second, is only second to what exists in the case of individuals. Theoretically, I believe both to be equally dependent on the supreme authority, though cases for interference with corporate rights must of course greatly exceed in frequency those for interference with private rights. I believe, then, that the Legislature may lawfully alter statutes, and that no corporation would be justified in resistance: whether the existing members would be bound to resign their endowments is a question for their individual consciences. But on the other hand, no power of the Legislature ought to be exercised with greater discretion and hesitation; the greatest possible presumption should be allowed in favour of the existing statutes, and no change entertained without some demonstrably weighty cause. Hasty meddling with such matters would be little less than a breach of faith on the part of the State, which is clearly pledged to strict observance of its charters under all ordinary circumstances. Probably the best course, at all events for a first step, would be for the Legislature to make no compulsory innovation of itself, but only to give facilities for reform to those societies which by their own constitution do not enjoy them. The best means to effect this would doubtless be what I have heard suggested under the name of an "enabling statute;" one permitting Colleges to reform their own statutes, leaving, for the present at least, the more extreme measure of altering them by a merely external power. Let it be enacted—and the recommendation of Her Majesty's Commissioners would doubtless have great weight in promoting the adoption of such measure—that where the Founder has not vested in the Visitor or elsewhere any power for reforming the statutes, it shall be lawful for some clear majority of the society—say three-fourths of the governing body for the time being—with the consent of the Visitor, and of the Lord Chancellor, as the highest judicial officer of the Crown, and the especial guardian of charitable foundations, to add, repeal, or alter statutes, as from time to time may be advisable, provided that nothing be done to destroy the general intention of the society as an institution for the advancement of religion and learning. Such a measure would give facilities for real self-reform, while imposing the necessary checks on hasty, indiscriminate, and unsympathising innovation. The practical evils of each body would have at least a fair chance of correction, while the danger of reforming upon any cut and dried theory would be avoided. Such a measure might surely be accepted, at the very least, as a first experiment; it would be time enough to recur to further and stronger measures in case of its failure.

EDWARD A. FREEMAN.

Answers from the Rev. Henry Wall, M.A., Fellow and Bursar of Balliol, Vice-Principal of St. Alban's Hall, and Prælector of Logic.

Rev. Henry Wall, M.A.

Sir,

Having already expressed my readiness to give to Her Majesty's Commissioners for this University any information in my power to assist them in their work, I now proceed to answer their Circular of November 18, 1850, in which, while they "request that I will communicate to them whatever, in my judgment, may assist them in the formation of their opinions, and enable them to give a faithful representation of the present condition of the University," they call my attention specially to a number of points which are stated in detail.

On some of these points I have not thought much; on others I have thought a great deal. It is about the latter only that I will venture to express any opinion.

1. The possibility of diminishing the ordinary expenses of University education, and of restraining extravagant habits.

Expenses.

Before I offer any suggestions on these points, I must state one or two facts. Although the *College* expenses are in every case higher, and, in some cases, *much* higher than they need be, yet these expenses bear a small proportion to the sums here squandered on superfluities. And although the University and the Colleges may, *in some degree*, *help* to check extravagant habits, yet they can never do effectually the work of other people, whose interest is more con-

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Parents.

cerned—the *parents* of the young men. I am certain that *parents* are the parties most to blame for the extravagance of Oxford; by giving their sons too large an allowance even against the advice of experienced members of the University; by neglecting to require that bills should be brought home regularly receipted; by overlooking the proofs presented (during the vacation) to their eyes and ears of idleness and useless expenditure in Oxford; by not putting themselves in confidential communication with the College Tutors. Indeed, I know by my own experience, and by that of others, that if a Tutor ventures to communicate to a parent any suspicion of his son's society, expenses, or habits, he is pretty sure to receive the snubbing reply, that the parent has questioned his son, and feels perfect confidence in his explanation.

It is true that parents often (generally?) are too much pleased with the idea of their sons mixing in what they call good "society," to think of the price that must be paid for this society. *It is true* that they often encourage, by not condemning, in their sons the feeling that University and Collegiate discipline is a thing to be evaded, and that University and College authorities are persons to be ridiculed and cheated. No wonder that they often have to pay a severe penalty for their folly.

Diminution of College expenses.

There can be no doubt that, even in the present constitution of the University, it is possible and easy to diminish very considerably the ordinary expenses of residence here. The following table of charges, which has been calculated by me with great care, and from several years experience in the duties of Bursar, exhibits what I am certain is a fact—that the *College* expenses (all that are included in the Battell bill) may, in a College which has even as few as 85 members on an average in residence, (the average of Balliol, which is a small College,) be so reduced as to make it *possible* for a young man to pay his *College* bills, not in the condition of a servitor, or a poor scholar, but as a commoner, with a sum under 60*l.* per annum. It will be observed that the largest items in the table are, that for tuition and that for servants. As to the former, I must explain, that while in several other Colleges tuition is paid in yearly portions of 16*l.* 16*s.* for *four* years, amounting in all to 67*l.* 4*s.*, at Balliol we receive the same gross amount, but we condense the payments into the three years of *residence*, and so charge 22*l.* 8*s.* per annum for *three* years. The item for servants is *the* great expense. The *Establishment* of a College is the great obstacle to very cheap living in it. I find that it would require as much as 1,171*l.* per annum to pay servants even in so small a College as my own. These servants, it must be remembered, are men-servants, and must be trustworthy persons. It must also be borne in mind that we do not find them in board or lodging: *e. g.*—

The Butler	£150	per annum
Cook	120	„
Under Cook, including his food	50	„
Helps in the kitchen	40	„
2 Porters	100	„
Hall-man, or Head Waiter	70	„
9 Scouts, at 60*l.* each	540	„
Shoeblack	54	„
Kitchen-clerk	21	„
Letter-carrier	26	„
	1,171	„
2 Bursars	200	„
Expenses of oil, candles, gas, coals in hall and kitchen, supply of water, &c., &c., other contingents, *according to true average*	240	„
	£1,611	„

But this large sum would, at least in Balliol, be reduced by the following items. Our charges upon our non-resident members average about 78*l.* a year. The whole of this now goes to the Butler. Again, the Tutors pay to the Bursars a percentage, which averages 65*l.* 11*s.* 6*d.* per annum. Thirdly, the admission fees distributed among the Bursars and the servants average 16*l.* 9*s.* per annum. Fourthly, the greater part of the Porter's salary would be paid, as now, by Gate Fines (on an average 77*l.* per annum) for coming into College after the hour of closing. And these fines would of course depend upon a young man himself. And lastly, I would reduce the charge for servants by bringing to account and setting against it the *profits* which would arise from the Buttery and Kitchen (see below). Then we should have the actual demand thus—

				£	*s.*	*d.*
Payments to Bursars and Servants				1,371	0	0
Deduct.—Dues of Non-residents	£78	0	0			
„ Percentage on Tutors	65	11	6			
„ Admission Fees	16	9	0			
„ Gate Fines to Porters	77	0	0			
„ Profits on Battells, say	100	0	0			
	£337	0	6	337	0	6
Sum to be charged in Battells				1,033	19	6
Contingent expenses				240	0	0
				£1,273	19	6

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Before I come to the scheme or tariff of Battells I must observe, that I have put the Room-rent at 10*l.* 10*s.* per annum. This is the *average* in Balliol. But there are with us 10 sets of rooms at 8*l.* a-year; eight sets at 7*l.* a-year; and six sets as low as 6*l.* a-year. It will be seen, that if a young man were to content himself with rooms at 6*l.* or 7*l.* a-year, and were willing to forego pastry and cheese at dinner, he could, if my tariff were adopted, pay his *College* or Battell bills for less than 60*l.* a-year.

The Academical Year is counted at 26 weeks, and 85 members, on an average, are supposed to Battell—

	Per Day.		Per Week.		Per Year of 26 Weeks.		
	s.	*d.*	*s.*	*d.*	£	*s.*	*d.*
Breakfast.							
Bread, $\frac{1}{8}$ of quartern, at 5*d.* per quartern	0	$0\frac{3}{4}$	0	$5\frac{1}{4}$	0	11	$4\frac{1}{2}$
Butter, 1 oz., at 1*s.* 2*d.* per lb.	0	1	0	7	0	15	2
Milk, $\frac{1}{3}$ of pint, at $1\frac{1}{2}$*d.* per pint	0	$0\frac{1}{2}$	0	$3\frac{1}{2}$	0	7	7
Lunch.							
Bread, one-twelfth of quartern	0	$0\frac{1}{2}$	0	$3\frac{1}{2}$	0	7	7
Butter, $\frac{1}{2}$ oz	0	$0\frac{1}{2}$	0	$3\frac{1}{2}$	0	7	7
Dinners.							
Meat, 6 oz., cooked, at 6*d.* per lb.	0	6	3	6	4	0	11
Vegetables	0	$0\frac{3}{4}$	0	5	0	11	$4\frac{1}{2}$
Bread, one-twenty-fourth of quartern	0	$0\frac{1}{4}$	0	$1\frac{3}{4}$	0	3	$9\frac{1}{2}$
Beer, $\frac{1}{2}$ pint, at 9*d.* per gallon	0	$0\frac{3}{4}$	0	$5\frac{1}{4}$	0	11	$4\frac{1}{2}$
Pastry, or pudding, average	0	3	1	9	2	5	6
Cheese, 1 oz., at 9*d.* per lb.	0	$0\frac{3}{4}$	0	$5\frac{1}{4}$	0	11	$4\frac{1}{2}$
Salt, pepper, &c	0	0	0	2	0	4	4
Tea.							
Bread, one-twelfth of quartern	0	$0\frac{1}{2}$	0	$3\frac{1}{2}$	0	7	7
Butter, $\frac{1}{2}$ oz.	0	$0\frac{1}{2}$	0	$3\frac{1}{2}$	0	7	7
Milk, $\frac{1}{3}$ of a pint	0	$0\frac{1}{2}$	0	$3\frac{1}{2}$	0	7	7
	1	$4\frac{1}{4}$	9	$7\frac{3}{4}$	12	10	$9\frac{1}{2}$
Tuition (paid for *three* years)					22	8	0
Room-rent (average)					10	10	0
Coals and Fagots for 18 weeks, at 3*s.* 3*d.* per week					2	18	6
Kitchen-fire, candles, gas, and other contingents					2	16	6
Charge for Bursars and Servants (including all gratuities)					12	16	9
University taxes					1	6	2
					£65	6	$8\frac{1}{2}$
Deduct.—Excess of Room-rent above 7*l.*			£3	10 0			
„ Pastry			2	5 6			
„ Cheese			0	11 $4\frac{1}{2}$	6	6	$10\frac{1}{2}$
					£58	19	10

Even with these moderate charges, there would be, according to the present *retail* market-price of things, a profit of 20 per cent. on bread; 14*l.* 5*s.* $8\frac{1}{2}$*d.* per cent. on butter; $33\frac{1}{3}$ per cent. on beer; and $33\frac{1}{3}$ per cent. on cheese, (to say nothing of the kitchen department, in which there should be a profit of nearly 100 per cent. on potatoes alone,) and according to the last year's consumption in my College, these profits would have been, *at the prices above*—

	£	*s.*	*d.*
On Bread	27	14	6
Butter	21	1	6
Beer	55	15	9
Cheese	6	6	4
	£110	18	1

Although all articles of food should be furnished at the *lowest* possible price, yet it must be at a *saving* price, and this necessarily causes *some* profit; *e. g.*, if a quartern loaf cost 5*d.* to sell the $\frac{1}{8}$ of it for $\frac{1}{2}$*d.* is a loss, and to charge $\frac{3}{4}$*d.* for it produces a profit of 1*d.* per loaf. But these profits, kept as low as possible, I would return to the members of the College every quarter, by using them to abate the charges for servants.

Of course, as the members of a College increased, the expenses of each would proportionably diminish, because very nearly the same establishment which is required for 85 men, would suffice for 120; and the divisors would be more, besides that the profits would be larger in amount.

Abolition of profits from servants.

The system by which I would work the economy of a College is this. Abolish all *profits* to servants. This I am certain is the beginning of all improvement in the matter. Pay them fixed salaries. Require the Butler and Cook to make their charges to members of the College for commons cover the tradesmen's bills in each department, and exhibit a profit (in some cases, a *stated* profit) besides. If there be a deficiency they must make it up; if there be a surplus they are not to benefit by it. But to prevent this from being effected by over-charges, let there be settled *and made known to the young men* a minute Tariff of charges, putting things at the lowest remunerative price: *e. g.*, bread is now 5*d.* the quartern; let a

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quartern be divided, as it is with us now, into eight breakfast commons, and three farthings charged for each; let the charge for a Commons of meat (6 oz., cooked) be the market-price of a pound. Besides this, let there be sent in to each member, *at the end of every week*, a bill of his weekly expenses, distributed in different departments, and stated enough in detail to enable him to verify them. If there resulted any considerable surplus of receipts above expenditure, it would be a proof that such and such charges were too high, and the College, having thus a knowledge of *what it is ignorant of upon the system of profits to servants*, would be able to diminish the charges in proportion to the surplus.

Still, although I think that College expenses could and should be so reduced as to enable a poorer class of men than at present to go through a College residence, if they pleased, in the rank of gentlemen, without attracting attention to their economy; no such reduction could bring the expenses low enough to be within the reach of a large class of persons for whom the *University* ought to be a place of education.

Extravagance out of College.

As to the means of restraining extravagant habits *out of College* I confess myself at a loss. The difficulties are considerable, remembering that we have to deal not with boys but young men. A plan will be suggested to the Commissioners by Mr. Jowett. It is very good, I think, as far as it goes, because it would have the effect of bringing a young man's bills before him once a year at least, and would deprive the tradesman of any ground of complaint if his bills were not paid as often: and this is a great deal. Still even though debts were made legally irrecoverable if tradesmen omitted the opportunity of successfully requiring payment, one cannot but be certain that there would still be a number of *debts of honour*. The fact is that the cause of the idleness and extravagance of the Universities lies out of the direction of any sumptuary laws of the Universities, or even of any Parliamentary enactments about debts. Why are the great majority of young men sent to the Universities? Precisely for the same reason that, at certain periods of their life they were breeched, then put into a jacket, then into a coat, and that when they leave the University they will go abroad. It is part of a *routine*. They are sent to the University—not because they are fit for it; not because they want to benefit by its libraries and its lectures, but because it is a part of a young gentleman's course—it is the usual thing to do—it is respectable. As long as this is the prevalent view about the University of the young men who are sent, and of the parents who send them here, (a view which, I regret to say, both University and College authorities have done much to encourage) idleness and extravagance will never be checked. To correct these evils with any beneficial effect (and of course the

Modes of repressing it.

object is not merely to check idleness and extravagance, but to create useful labour and economical habits in their stead) *we must make* STUDY, *and not amusement, the* LAW *of a University*. And this, I think, *may* be effected. First, in a minor degree, by the enforcement, on the part of University and College authorities, of existing Statutes against time-occupying and expensive amusements. And secondly, but most successfully, *by opening the University as wide as possible; by allowing persons to enter it and enjoy all its privileges without being necessarily connected with any College or Hall.*

By opening the University to other classes.

The effect of this would be to induce a large number of persons, whose means are below the necessary requirements of a College, and who now never think of coming here, to come to the *University*, where they could regulate their expenses as they please. And THEY would come, not as a matter of routine or fashion, but because they wanted or were fit for the advantages of the place. They would be for the most part men who had to make their way up in the world. Extravagance cannot be effectually checked as long as we have here only the wealthier classes of society. Idleness cannot be *prohibited;* it must be disgraced and alarmed by labour wresting from it the honours and good things of life. And we cannot have labour to be the *law* of the place as long as the majority who come here are persons who *need not* labour; and the majority will be of this independent rank until you open the University to a poorer class of men, and make *all* its advantages attainable without the necessity of a Collegiate, at the lowest, an expensive system.

UNIVERSITY EXTENSION.

And here I will proceed at once to the sixth and most interesting point suggested by the Commissioners, viz.:—"The means of extending the benefits of the University to a larger number of Students, (1) by the establishment of new Halls; (2) by permitting Undergraduates to lodge in private houses; (3) by allowing Students to become members of the University without connexion with a College or Hall; (4) by admitting persons to Professorial Lectures and granting them certificates, without requiring any further connexion with the University."

The extension of the benefits of the University to a *much* larger number of Students than at present—the establishment of some reasonable proportion between the immense wealth of the place and the work of education—I most heartily desire.

New Halls.

To the establishment of new Halls I see no objection, *provided that residence in them or connexion with them be not made the necessary alternative of residence in or connexion with a College*; i. e. provided they do not exclude the third scheme above mentioned for enlarging the University. In fact the *mere* establishment of Halls would only increase the existing evils. A small society is more expensive than a large one. And as to regular and studious habits, while on the one hand I do not see how these would be improved *systematically* by new Halls; I see on the other hand many ways and chances of their being deteriorated by such establishments. If Halls were connected with Colleges their character would only be as good as that of their respective Colleges. If they were independent societies, I can have no doubt that, when public

Objections.

attention has been withdrawn from the University, they would be started as private speculations, and would generally be asylums for men ejected from Colleges. It is futile to say that in such case of corruption the University authorities could interefere to withdraw the licence and check the nuisance. They *could*, but *would* they do so? Everybody knows how loth everybody is to correct an abuse when long-standing vested interests are concerned. It would be the interest of Proprietors and Masters of independent Halls, supplied as these generally would be by outcasts from strict Colleges, to compound for lax discipline by higher payments. But it

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may be supposed that these evils could be obviated by founding Halls upon a new system of economical arrangement; by making them *domestic* establishments, where the Masters would take their meals with the Students, keep their accounts, and exercise great personal superintendence. Now, first, this would in no degree *diminish* the necessary expenses of University life. Considering the expenses of such an establishment—house rent, taxes, &c.; considering the risk attending it; considering that to secure effective personal superintendence the Students of a Hall must be few or the Masters many; and that these Masters must be well paid for their time and trouble, I do not believe that the necessary expenses would be as moderate in such an establishment as *they could be made* in an average sized College.

Secondly, how can the conscientious conduct of such establishments be secured? What is to prevent them from becoming disorderly clubs? No doubt high principled men would sometimes be found who would work them well. But can you calculate upon this as the *rule?* And even here I see a danger of another kind—the danger of such small private societies being made by active party men, who are just the persons to work them zealously, the nurseries of peculiar religious opinions and practices. So that if the Halls were zealously conducted they would be attended with this evil; if they were not zealously conducted they would increase the expenses and damage the discipline of the place.

Lodging in houses without connexion with College or Hall.

It is to *the admission of Students into the University without connexion with a College or Hall of any kind* that I look for the greatest good to the University itself, to the Church, and to the country.

Such a measure would considerably increase the *number* of Students (now comparatively small in consequence of the limited accommodation of the Colleges), but above all, by allowing them to live as humbly as they pleased and that in private, it would enable a much *poorer* class of Students to come here. The poor man who now, even if he does aspire to a University education for any of his sons, stints himself to give that advantage to *one* son only, and that of course the eldest, whether he be the fittest for it or not, would then be able, for the same money, to give the same advantage to all. And whereas it often now happens that the one favoured son wastes his father's money and disappoints his hopes, the chances then would be increased that *some one* son at least would repay him for his expense. These out-college Students would, according to their tastes, go for Lectures to the Professors. And this would have the effect (which upon the present system I see no means of accomplishing) of bringing into full efficiency and usefulness the Professorial system. Small payments made by a number of Students would provide an income for the Professor, and would enable him to appoint one or more Teachers under him for the elementary classes. On the one hand Professors would be more likely to lecture well when their income depended on it; and on the other hand Students would be more likely to profit by lectures (just as they do now by private Tutors) which they have *voluntarily* paid for. On the present system it must always be, as it is now, that College Lectures take precedence of Professor's Lectures. The Professor, if he wishes to get a class, must either lecture very early or very late in the day. And unfortunately College Lectures are generally regarded by the pupils as a matter of discipline to occupy so much time and keep them out of harm's way for the morning. Men are put into Lectures which are often not useful to them, or which, if useful, they do not like; they are inattentive, the Tutor therefore naturally becomes indolent, and so a weary hour is passed—and must be passed because it is the rule. Yet the Pupil who has been drowsing for an hour over some distasteful or already well known book, goes the next hour to his private Tutor and works heartily and effectually.

Advantages of it.

Professorial Lectures.

Probable admission of Dissenters.

But let us look to a more remote but higher effect of the measure. It would benefit the Church, and this not only in the way of providing an humbler class of ministers, which alone would be a great benefit; but in another and more important way. Numbers who are now educated in Dissenting schools, or at least apart from any Church associations, would seek the Universities, if the *Collegiate* system were not an essential part of them, and if they furnished the best Lectures at the cheapest price. It is the *Collegiate* system, with its two necessary accompaniments—costliness and theological teaching—which prevents Dissenters from coming to Oxford. Make this system unnecessary and I believe they would come here even on the condition of subscription to the Thirty-nine Articles. As things now are Dissenters often come here, particularly if they can obtain some Exhibition; *and it is remarkable that they generally turn out very high Churchmen.* In my own College there are some very valuable Exhibitions connected with the College of Glasgow. Presbyterians do not object to subscribe the Articles to hold these Exhibitions; and these Exhibitioners often take Orders in the Church of England. Reason and experience confirm the opinion that if Dissenters came for education to the Universities, both Churchmen and Dissenters would be improved—Dissenters would become more Churchmen, and Churchmen would become less bigotted. I believe that Dissent has much more to fear than the Church has from a University education.

Accession of strength to the University.

Lastly a measure which involves a considerable extension of their numbers, and increased facilities for enjoying their advantages, is one which the Universities would be wise to adopt, and adopt speedily, if they hope to maintain much longer their position in the country. The Universities at present have no hold on the affections or associations of the mass of intelligent, educated, and influential people of the country. Under each shock of public indignation at the maximum of privileges which they enjoy, and the minimum of duty which they perform, they totter more and more. The clergy and a few of the aristocracy come to their aid; but can any one who has marked the current of events in this country suppose that such feeble aid will continue to support them? The people want education, and the Universities ought to take the lead, and, with their great wealth, do most in the work.

The objections which will be brought against the measure are obvious—and obvious, I think, because they are *superficial.*

It will be said, of course, that the admission of a number of unattached members would, 1st,

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destroy the discipline and corrupt the morals of the present Students; and, 2ndly, would leave the new comers destitute of the two greatest advantages of the present system—the personal superintendence of a College Tutor and the daily chapel.

Inadequacy of the present discipline.

Now truth must not be obscured by romance; a useful measure must not be sacrificed to a theory. I have resided in Oxford for the last 22 years, and I have some experience. I wish I could say that the discipline of Oxford had much capacity for becoming worse; I wish I could say that immorality had yet to be introduced among our Students; I believe that there would be much less cause to fear the Students who would come here on the scheme proposed, than to fear *for* them; because I think it highly improbable that those Students would be any but poor men who had to make their way up in the world; or at least, men who came to work. The rich, or those who came for pleasure or fashion, would still, as now, go to the Colleges. And if the new Students were of this working class, they would act as a stimulus to others, not to say in the way of example, but in the more forcible way of bearing off University honours, College Fellowships, &c. At all events the University would then have to show some returns proportionate to its means.

As to the personal superintendence of College Tutors—if any parent thinks that when he enters his son at a College he *necessarily* puts him where his moral and intellectual training will be carefully watched over by a Tutor,—I can only assure him that he is under a pleasing delusion. I do not deny that some College Tutors *try* to exercise this superintendence; but, after all, what *personal* superintendence *can* a Tutor exercise over 20 or 30 Pupils, young men who must be left to themselves for the greater part of the day, who have their own rooms, and are as much separated from their Tutor as if they lived at the other end of the town? This personal superintendence *may* be *desirable*, but it is not a reality; and it is just as impracticable upon the present system as it would be under the one proposed.

As to daily chapel, I am bound to say that I do not think it does any very extensive *spiritual* good. It is a very effectual means of breaking up wine parties, or of making men rise early in the morning. It is also in some Colleges used as a means of punishment. Can all this do good? I believe that the *obligation* to attend chapel does more harm than good. Of course there are young men who do make the daily service a voluntary service, and thereby profit by it; but then these men would seek it even if they were out of College. And as, besides the College chapels, there are plenty of churches in Oxford in which there is daily service, there is nothing to prevent Students who live in the town from going to church every day if they wish it. If they do not wish it they had better not be compelled.

I must, on the other hand observe, that there are disadvantages and temptations attending a residence in College which would not belong to a residence in private lodgings. A life in College is certainly not necessarily a moral or a studious one. The very congregation of numbers—the facilities of stepping from room to room and of making up pleasure parties—have their evils. One or two bad men may, and often do, work immense mischief in a College. Many a youth who comes up well disposed is ruined by bad society *in his College*—society which he was not likely to have known had he been in private lodgings.

For all these reasons I earnestly hope that Students will soon be allowed to become members of the University, and be educated in Oxford, without being subjected to the expenses incident to connexion with a College or Hall.

Attendance of strangers on Professorial Lectures.

Moreover, I do not see why the advantages of the University, even thus extended, should be limited to persons who come here with a view of taking Degrees. It would increase the friends of the University, it would be another stimulus and support to Professorial teaching, and would do great public good, if persons who, for any purpose whatever, wished to attend the Lectures of some particular Professor without going through the University course, were allowed to do so, and to receive from the Professor testimonials of their attendance, attention, and ability, in his department.

Matriculation Examination.

7. An Examination previous to Matriculation I cannot see in any other light than as an evil. The Examination must either be the same for all, or different for each. If it is the same for all, it must be very low in standard, else many persons will be excluded, who (as I can tell from my experience as a Tutor) are very deficient when they first come here, but yet have *talent* enough to do better, when their final examination arrives, than others who came better prepared. Besides, success in such examination will be no passport to a College, which will still have its private examination of a higher standard. If the matriculation examination is different for each person—*i. e.*, meant to find out what he *can* do—will anybody be excluded by it? Is there anybody who cannot do *something?* And it must be remembered that tastes and talents are not always developed early, and that the University may be the very means of developing a talent. If a man by admission to the University acquired a licence to *teach*, an examination would be most important; but as he only acquires a licence to *learn*, I do not see the value of it.

Its probable evils.

Higher Degrees.

Again, I can see nothing but unnecessary indignity in examining senior men for higher degrees. If they were made Bishops or Deans, or in any other way exalted, *because they were Doctors*, an examination for this degree would be desirable. "Doctor," applied to a clergyman or a lawyer, is a very harmless dignity, and to confer it, if paid for, is a very fair way of raising money.

But on another point, suggested by the Commissioners, I beg to express my most hearty concurrence with them, namely, such a regulation of the studies of the University as would render them, at some period of the course, more directly subservient to the future pursuits of the Student. On this point I speak with no small experience. I have been a public and private Tutor for 18 years; I have had nearly 300 *private* pupils, all candidates for honours; and I have seen and lamented the evil effects of a system which presented (till very lately) only two avenues to distinction—the School of *Literæ Humaniores*, with its heterogeneous jumble of Divinity, Ancient History, Greek and Latin Poetry, Critical Scholarship, Logic,

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SPECIAL STUDIES.

Rhetoric, and Moral Philosophy; and the School of Mathematics. I speak with most knowledge of the former school. I have known numbers of young men, ambitious to distinguish themselves, whose minds have been positively injured by being overloaded with the numerous subjects they were *obliged* to attempt. I have also known frequent instances of men of great ability in one or two departments, and deserving the highest honours in those departments, yet falling into the second or third class at their examination, in consequence of their weakness in subjects which were foreign to their tastes. Hence the evil, that the class list is no sure proof of ability. A man, respectable but moderate in all his subjects, is in the first class, while another of superior ability and decided genius, appears in the second. And even men of the strongest minds, and most general ability, are prevented from rising as high as they might in their favourite subject, by being obliged to spend a great deal of time in less agreeable studies. The tendency, of course, of such a system is to make men know a little of everything, but to know nothing well. These are evils affecting only classmen; but besides, there is that larger number of men, the *passmen*, who do not aspire to honours, because they know very little of Greek and Latin, and have no taste for Mathematics; yet many of these have good talents for other subjects, and are not less ambitious than other people. For the improvement—the *education*—of this most important part of its members the University has hitherto made no provision. By the Examination Statute recently passed, these evils have in *some points* been corrected, but they have also in some points been increased, and, at the best, the measure does not go far enough, nor as far, I believe, as the promoter of it would, if he could, have carried it. For the school of "*Literæ Humaniores*" still stands for honorary distinctions with this mass of matter:—Divinity: viz., the Four Gospels and the Acts of the Apostles in Greek; the Evidence of Natural and Revealed Religion; Sacred History; the Subjects of the Books of the Old and New Testaments; and the Thirty-nine Articles (the candidates may also, if they please, be examined in some portion of Ecclesiastical History, and in one or more of the Epistles); the Greek and Latin Languages; Greek and Roman History; Chronology, Geography, Antiquities; Rhetoric or Poetics; or Political Philosophy and Moral Philosophy. These subjects may be illustrated by modern authors. For a first or second class Logic also is necessary. *In addition to all this, the candidate is, by the new Statute, compelled to pass in some one of the three other schools.* This is too much to be well done, or to allow any one thing to be well done. It may be said, that the Examiners will in practice always let eminent merit in one subject compensate for defects in another; but this does not mend the matter. It is to recognize the principle of the division of subjects to be good, and yet to try and stifle it. A candidate for honours will never be certain how much merit in one subject will compensate for how much defect in others. Examiners are a shifting body, and different Examiners may take different views of the rate of compensation. All this must produce, as it does now, great unsteadiness and discursiveness in the candidates' work. Besides, it is *eminent* merit in one point which is required to compensate for defects in others. Well, but there are cases where the merit in one point, *would have been* eminent *but for* the necessity of knowing something of every thing.

Proposed rearrangement of the Examinations.

Again, the new Examination Statute has opened two new schools—the School of Natural Science and the School of Law and Modern History. This is a great improvement. But see how it has clogged this improvement; a man must *pass* in *two* schools, *and that of* "*Literæ Humaniores*" *must be one of them.* So that, for a man to distinguish himself in Modern History, Natural Science, or Mathematics, he must have passed *three* examinations in Greek and Latin, and each time in different books. Now, if this prerogative given to Latin and Greek resulted in the majority of men in any useful knowledge of those languages—if it enabled them to write a commonly respectable piece of Latin—there would be something to say for it; but, I am sure, that compared with the time and labour spent in "cramming up" *parts* of a few Greek and Latin authors by the aid of translations, the labour of a man who breaks stones in the road is as profitable to himself, and much more profitable to others. If Greek and Latin must necessarily be a part of every man's education here, then let the *necessity* of them be done with at his second examination, and in his second year; and thenceforth, for his third or final examination, let him be free to choose his own subject, or subjects, in one or more of the following schools, not cross-divided as at present into four, one of which is an encyclopædia in itself, but divided according to the principle of cognate subjects, into—

1. The School of *Literæ Humaniores;* Latin and Greek authors for translation. Latin and Greek original composition in Prose and Verse; Philology; Philosophy of Language; Poetical Criticism, &c.
2. The School of Moral Science, pure and mixed, Ancient and Modern; and of Logic, comprising Logic, Ethic, Politic, Rhetoric, Political Economy, History of these Sciences, &c.
3. The School of History, Ancient and Modern, comprising Geography, Chronology, Antiquities; the *Idea* of History, its relations to Biography, Geography, &c.
4. The School of Mathematics and Physics studied mathematically.
5. The School of Natural Science.

Of course, in each school there would be a *pass* and a *class* quantity of matter.

This scheme I urged as strongly as I could while the Examination Statute, recently passed, was under consideration; and I believe, that had the Heads of Houses offered us some such scheme, it would have been more acceptable than what they have given us; but Members of Convocation were too glad to get what they could. The result of this division and free choice of subjects, would be to produce in Oxford better scholars, better moral philosophers, better historians, better everything. Latin and Greek and all other studies would immediately rise when disencumbered of each other.

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The Commissioners call my attention also "to the expediency of combining the Professorial with the Tutorial System; of rendering the Professorial foundations more available for the instruction of Undergraduates generally; of increasing the number and endowments of Professorships, and of providing retiring pensions for Professors."

The combination of the Professorial with the Tutorial System—at least, any harmonious and permanent combination—I believe to be impossible as long as the *Collegiate* system is an essential element of Academical Education. College Tutors will not surrender their Pupils to Professors, for other reasons, and because idle men will often make the plea of attending Professors' lectures the means of escaping all lectures. Put the Professorial System in rivalry with the Tutorial, by creating for the former a new sphere of action, and both, I think, would be improved.

PROFESSORIAL SYSTEM.

If a steady demand for Professorial teaching were secured, then an increase of the numbers and endowments of Professors may be thought of; but this, without such a demand, would only be to exaggerate sinecures. An obvious and most just way of increasing the number of Professors, and of finding them endowments, is to resuscitate the dormant Professorships, which, in some Colleges, are by the Statutes connected with the Foundation; but so as that a man should be a Fellow of the College *because he is the Professor*, and not Professor because he is a Fellow. It would be desirable also to go beyond this, and in those Colleges where the Fellowships are most numerous, and more than necessary for Collegiate purposes, to unite other Fellowships with Professorships.

But in the matter of the endowment of Professorships one thing, I think, is most important —that the endowment should not be so large as to make the Professor independent of work. Some of his income should be left to be derived from fees from *voluntary* attendants. 500*l.* per annum is as large an endowment as he should have. And to prevent him from retaining his office when he is no longer fit for it, a retiring pension of 400*l.* per annum should be given him.

FEES.

As to the mode of appointing Professors, I have no hesitation in saying, that I would that these appointments should be made by anybody rather than by the Heads of Houses, or Convocation. Most confidence is sure to be felt, generally, and in the long run, in the appointments *by the Crown*.

RESTRICTIONS ON FELLOWSHIPS.

The limitation of birth-place, or school, in the election to Fellowships, or Scholarships, I hold to be productive, in all that is its true effect, of unmixed evil. That there are very able men, and men well deserving of Fellowships, even on foundations confined to schools, is most true; but these cases are accidents in spite of the limitation, and not consequences of it. However, I have reason for suggesting that the evil would not be cured, but rather aggravated, by simply destroying the limits of eligibility. *The power of election* should not be allowed to be in the hands of a few senior members of a society, else you would be but increasing their sphere of patronage. Statutes and wills are not the only hindrances to the benefits of a foundation being bestowed according to merit.

DISTINCTIONS OF RANK.

The distinctions between Compounders and other Graduates, between Noblemen, Gentleman-Commoners, and other students, and all such distinctions of rank or wealth are, in a place of education, odious and mischievous; and sometimes bear most hard upon individuals, who in some cases are persuaded, and in some cases obliged, to receive them. A Gentleman-Commoner pays double, or nearly so, for no advantage whatever, except it be the advantage of not attending many lectures, and being exempted from strict discipline. A man possesses 300*l.* a year in his own right. It is his all. To take a degree, he is decked in a red gown, called a Grand Compounder, and is obliged to pay 40*l.* or 50*l.* for it; while another, having nothing in his own right, but perhaps the son of a millionaire, gets the same privilege for 10*l.* or 12*l.* without being made a puppet of.

Colleges and Halls as at present constituted are utterly incapable of furnishing adequate instruction in the subjects introduced by the recent Examination Statute. Open foundations *may* so order their elections as, in some measure, to supply the demand for this instruction. But it is to the Professors, and to *Teachers under them*, that I look for steady and effective instruction. It is also this same organization of the Professorial System that will alone abolish the system of Private Tuition; a system which I believe to be very useful and (as things now are) necessary to Pupils; but which is an evil because it is very expensive.

BODLEIAN LIBRARY.

The Bodleian Library.—It is impossible to conceive a thing of which the *actual* use is more disproportionate to its *possible* benefits. If one is proof against cold, and against the distraction of visitors and others passing to and fro before his eyes, he may study there. When I became a B.A. I was romantic enough to think of working in the Bodleian. Although I protected myself even to encumbrance with clothing against the cold, I could not work there more than two hours at a time. I soon found that the time spent in going there and returning, and in getting warm after I came home, and the unsteadiness of my work there owing to the discomforts of the place, was all a loss to me. There are rooms under the Library which, if there was a wish to make the Library generally useful, could be fitted-up as reading rooms, and thoroughly warmed. But, in addition to this, I cannot see why books, at least such as could be replaced, should not, under strict rules, be allowed to go out of the Library. In Germany I, a stranger and only having an introduction to a Professor, have had at my lodgings a number of valuable books at once out of the Public Library. Books are meant to be read and not to be looked at, and even if by going out of the Library they were occasionally damaged or lost, the Bodleian is rich enough to pay this small price for its increased utility.

BOOKS TO BE TAKEN OUT.

Her Majesty's Commissioners have been most clear-sighted and skilful in fixing upon points which most need reform in Oxford; but there remains one point, the most important of all, because the principle of all continuous improvement, which the Commissioners have not touched upon, unless it be contained in their third suggestion—"The power of the University to make, repeal, or alter Statutes." No continuous improvement can be expected in Oxford as long as

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the Legislature of the University be constituted as it is—that is, as long as the power of *initiating* measures rest solely with the Heads of Houses, and Convocation can not even move an amendment, but must either accept or reject what comes before it. I do not mean to say anything disrespectful of the Heads of Houses, but it must be remembered that 1st, they are the senior men of the place, and that advance in age is accompanied by a tendency to quiescence; 2ndly, they associate very little with the Masters and Tutors, and much less with the Students, and cannot know their wants; 3rdly, with the exception of those Heads of Halls who are appointed by the Chancellor, (among whom, it is remarkable, that we have had men the most social even with the youngest members, and the greatest promoters of improvements) the Heads of Houses are elected such for the *benefit of their respective Colleges*, and with no view to the good of the University. But a man may be able to manage College property, or possess qualities useful for keeping a society in harmony, and yet be unequal to the duties of an Academical Legislator. A Head of a House need not ever have been, and many of them have never been, engaged in working the education of the place. For all these reasons the Heads of Houses, as a body, are unfit to be the motive power in the place. The few active spirits among them are powerless against the dead weight of the majority. The *body* will not move unless alarmed and stirred by popular clamour. Yet it is necessary that the power of initiating measures should be vested in a small body. It would be the best thing, I am of opinion, for the permanent good of the University that this body should consist of *delegates* from the Heads of Houses, from the Professors, and from the College Tutors. The Professors certainly ought to be an essential part of such a body. Some such change in our Legislature introducing into the initiative the popular element —the working men of the place, would, I believe, as establishing a principle of continuous improvement, be most conducive to the true interests of the University, and to its efficiency as a place of education.

Hebdomadal Board.

I much regret the necessity of a Commission of Inquiry into our condition. I wish that the University and the Colleges had reformed themselves even to the extent allowed by their Statutes; but I am bound to say that I see no probability, and in some cases no possibility, of extensive improvement from within.

In answer to the questions which Her Majesty's Commissioners have addressed to me as Prælector of Logic, I beg to state that—

Prælectorship of Logic.

1st. The salary of the Prælector arises from a small payment by every member of the University under the degree of M.A. No other sources of income are attached to it. The salary last year amounted to 247*l.* 15*s.* I have filled the office short of two years, and cannot tell the *average* income.

1. Endowment.

2nd. No special qualifications are required in the person appointed, except that he must be at least an M.A. or B.C.L., or Bachelor of Medicine.

2. Qualifications.

3rd. No residence or Library is provided for the Prælector; nor any Lecture Room except the small one which is common to all the Professors. I lecture generally in the Hall of my own College. I am obliged to do so whenever I have a large class.

3. No Lecture-rooms.

4th. The only duties required are to read one course of Lectures during the first year after his election, and two courses every subsequent year.

4. Statutable requirements.

5th. The Prælector is elected by Convocation, and for 10 years. But he may be re-elected.

5. Appointment.

6th. In Lent Term, 1850, I delivered a course of Lectures on the general doctrines of Logic to a class of about 200 men in Balliol Hall. These lectures continued the whole of that term and the whole of the following Easter and Act Terms; and were gratis. In Easter and Act Term, 1850, besides the above Lectures, I gave a Lecture on a Book of Aristotle's Organon. My class consisted of 18, and paid two guineas each. In Michaelmas Term, 1850, I *read* a course of Lectures (gratis) on Induction. The class numbered about 60.

6. Lectures and fees.

7th. The study of Logic has certainly made great progress in Oxford of late years, and is still rising. But like most other studies of the place it is clogged by being mixed up with heterogeneous matter, and made *necessary* for a high class in "Literæ Humaniores." Let there be as great a division of subjects as can conveniently be made, and let Logic be introduced into a distinct School of Moral and Metaphysical Philosophy, and it, like every other branch of study, would rise immediately. The Students would be fewer no doubt, but they would be of larger stature.

7. Study of Logic.

I have the honour to remain,
Your obedient servant,
HENRY WALL,
Fellow of Balliol and Prælector of Logic.

Answers from the Rev. Richard Congreve, M.A., Fellow and Tutor of Wadham College, Oxford.

Rev. R. Congreve, M.A.

Question 1. The ordinary expenses of a University education include, I suppose, all that a fairly economical Student must meet in a well-managed College:—I. Fees at Matriculation and Degrees; II. University dues; and III. College payments, for living and tuition. The first item, I take it, might be considerably reduced by a reduction in the stamps. For the second, the University dues are, I believe, but an insignificant item. It is in the third that reduction, if anywhere, is most feasible. As there is considerable difference in the amount of expenses at different Colleges, it seems clear that the more expensive ones might be reduced to the scale of the less; at least I can see no reason for any material difference, if the management be good. The great desideratum in all such matters is as complete publicity as possible. It is desirable that in every payment a man makes he should know what it is for, and have ample means of testing the correctness of the charge. Full weekly statements of each separate item should be

Expenses.

Publicity of College expenses.

Rev. R. Congreve, M.A.

furnished him at all Colleges, as they are already at some, and terminal charges should also be explained. Men feel, if this is done, that they have a control over their expenses, which they too often do not feel now, and the comparison between the expenses of the different Colleges to which this habit leads would have a good effect. In this publicity, and a careful consideration as to what it is expedient for the Colleges to furnish their members with, lie the principal means the Colleges have at their disposal of diminishing the expenses.

Greater vigilance of parents.

For the second point, that of restraining extravagant habits, I do not think they have much in their power. The evil lies deeper, and the question is mainly a home one, and this again part of a larger social one. A different tone of social morality on the two points of extravagant expense and idleness must prevail both in Oxford, and in the country generally, before there can be any effectual check to these evils. Among the higher classes of English society public opinion on these points is very lax. To spend more than their income, to waste their time, and to be moderately disorderly in conduct, have been and still are so usual in ordinary English education of the upper classes, that they are tolerated by a very indulgent treatment in society, treated as privileges of the rich and easy classes, and only complained of by the great majority of such classes when they lead to too marked a failure or to too heavy bills. What Lord John Russell says of the scale of official salaries is considered equally true of Oxford expenses: they are proportioned to our monarchical institutions, and, I think, to our aristocratical laws. The real remedy for University extravagance lies, then, in an improvement of the tone of public opinion and social morality of the classes who furnish the leaders of Oxford in point of expense. If this could be raised to the standard advocated by Sir Charles Napier in India, a great change would be worked. Short of this, however, in very many cases, even as it is, much good would result from greater communication between the parents and College authorities, which has been hitherto much too slight. The parents in general never stir till a crash comes, and then they blame everything but their own negligence. The check which home influences furnish has been scarcely at all brought to bear on Oxford; where its efficacy might surely be as great as it has been found at public schools, though of course the manner of its application might require modification. Lastly, as extravagant habits have an intimate connexion with the idleness of Oxford, it may be hoped that improvements in the educational course will work good, especially all such as, by enlarging it, are calculated to offer inducements to study to the more independent members—such improvements I allude to as the larger introduction of Physical Science and Modern History.

Constitution.

Question 3. The theoretical and legal limits of this power I know nothing about. It is evident that within certain limits the University does feel itself competent to exercise such a power. But its exercise is very much fettered by its constitution. And any one who has watched the progress of University legislation of late must feel that the constitution is a very singular one, but ill adapted for any satisfactory legislation. Educational changes are embodied in measures the sole discussion and initiation of which lie in a body disconnected commonly with the practical education of the place. They are referred for simple acceptance or rejection to a popular body, the large majority of which is also disconnected entirely with the practical working of them, and a non-resident is incapable of appreciating very nicely the practical wants of the University; and the final decision depends on the purest accident, or on the comparative strength which one or other party can command among the non-residents. Between these two bodies so constituted there is not, in Oxford, any recognised communication, and till lately, when the evils of the system became very glaring, there were no means of making the prevalent feeling of the larger felt by the smaller.

Evils of present Legislation.

Evils of appointment of Proctors.

Question 4. As a general principle, I think that any responsible stations should not be filled on the principle of seniority or rotation. In any particular case I should therefore hold the application of such a principle a greater or less evil in proportion as I conceived the responsibility of the office to be greater or less. In the case of the Proctors this principle is the one practically acted on, I conceive, though theoretically it may be one of election. And the recent changes, by throwing more appointments into the hands of the Proctors, increase any evil there may be in the system. One modification, at any rate, is required if the present system be kept, and that is a revision of the cycle, which is at present eminently unfair. But that officers, nominally of the University, who are to nominate the University Examiners both for Degrees and the different Scholarships, and also to judge of the Prize Compositions, should be chosen on the principle of seniority from the members of the different foundations, is scarcely defensible with any modification, and has, I conceive, not worked well in practice. It would have been found necessary to alter it, had it not been for the corrective existing in the exercise of the power of the Vice-Chancellor, whose longer tenure of office, again, corrects any evil there may be in the mode of his appointment.

University Extension.

Question 6. This question presents very great difficulties, *in limine*, and without preferring any one of the four alternatives, the University may be viewed in two such very different lights,—as a place of higher education for a certain number of Students for the different professions or political life, or as a seat of learning open to all who wish to come—it is clear that the view taken must modify the answer to the question. Any large extension of the numbers would materially interfere with it as a place of education, would change its character, and render its present system and discipline obsolete. For the latter it is not meant at present; it cannot, I mean, be called a seat of learning. The question is, whether it ought to be made so. I should have no objection to this, nor to opening it absolutely freely to all who chose to come without requiring any conditions, a principle which seems conceded by the plan sanctioned by Mr. Sewell, though he objects to carrying it out in Oxford itself. This, however, is a matter of detail. This would supersede all the four alternatives, and you would have the Collegiate system brought into competition with the free residents, and so forced, if it would maintain itself, into thorough activity. It would still have many things in its favour,—its buildings, its

foundations, its associations, and its greater power of enforcing some discipline, whilst some at least of the present objections to it would cease. *Rev. R. Congreve, M.A.*

Question 7. The answer to this is partly involved in the last. If you make Oxford a seat of learning, to which all may come, you do not want an examination. But the different Colleges might still, as they now do, offer men a definite place of residence under certain conditions, with a definite system of teaching conducted by members of the College, and it would therefore be not unnatural that they should examine those whom they admit within their walls. The University, as such, would cease to require so much mechanism, though of course it would be competent to it to name certain conditions under which it granted its degrees. In any case the higher Degrees should be in name, as they already are in fact, abolished. They seem to me out of keeping with the present system of English education, and are only kept up by certain provisions in the Statutes, or as useful mercantile investments. Lastly, on the open system the student himself would regulate his studies at the University, and would make them subservient to his future pursuits. Of course there are manifold objections to so free a system, but I cannot see at present, as English education now is, any better, or any other very feasible way of enlarging the sphere of the University's usefulness, and it leaves untouched the present system of Collegiate institutions.

Matriculation Examination.

Higher Degrees.

Question 8. If the present system is kept in principle, then, I can see no doubt as to the great expediency of combining the Professorial with the Tutorial system. In fact, increase the number and endowments of the Professors, fill the chairs with able men in their several departments, make it worth the Professor's while to devote himself to his subject, and, by a retiring pension, make him feel above the pressure of want in the future, as a handsome salary places him above it in the present; and so far as I can see, you have the largest measure of reform of which the present system is susceptible. In all the higher departments their teaching would naturally be the best accessible. Subordinate to them, the College Tutors would have a useful sphere in assisting and examining those who attended their lectures, and relieved from their present drudgery, might be qualifying themselves for the Professorial posts, whilst the very backward might still find employment for those who have just taken their degrees—employment of a more wholesome kind than is at present furnished by a system, which throws, generally, the task of imparting the highest information on the most difficult subjects on the youngest men.

Professorial System.

Question 9. I should exclude Convocation as the worst conceivable mode of appointing Professors. But it is not so easy to give an opinion as to the most eligible. I should be inclined to prefer the Crown, acting through a Minister of Education responsible to Parliament as other ministers. The real question would be, What is the elective body on which public opinion can be brought to bear most effectually, and which would soonest be made to feel the scandal of what, for want of a better word, I must call jobbing? I would have no disqualifications but want of competency in the department for which a man is appointed, and want of character; so clearing away all disqualifications without exception, on the ground of opinions on other subjects, and enabling the University to secure eminence in every department as far as its means afford a sufficient inducement. As it is at present, none but members of the Church of England can hold Professorships, which of course limits the choice. Another great evil is the shortness of the tenures in many cases, as in Moral Philosophy and Political Economy; and the inadequacy of the pay. So they are only worth holding by residents, or those who, from other circumstances, are independent of the stipend, and it is impossible to secure the fair devotion to the subject which seems requisite for a good Professor.

Appointment of Professors by Convocation, the worst mode.

Question 10. All limitations dependent on place of birth, or Founder's kin, ought, at any rate, I think, if not absolutely excluded, to be terminable. They seem to me to work fatally against a College wherever they are predominant; and of course to be evil so far as they prevail. I do not think it so clear, looking at the Collegiate system and its exigencies, that a limitation to the Scholars in the choice of Fellows is bad. Let the competition for the Scholars be quite open, the election from them strictly according to merit, with a power in the electors to hold a Fellowship in abeyance, or to throw it open when there is no deserving candidate, and I should hesitate, from what I see of the perfectly open system, before I preferred it, though theoretically it is more satisfactory. With regard to their tenure, they are, with some few exceptions, I believe, voidable on marriage or not taking orders. I am, I confess, strongly opposed to any such limitations on their tenure. In our own case they terminate by time or marriage; but we are not obliged to take orders. I dislike this last condition, as furthering the exclusively theological character of Oxford, which seems to me to require extensive modification, and also as tempting men into a position for which they may not be adapted either by taste or qualifications. I think the former condition is a remnant of another state of society and is alien to our present notions, based too, in most cases, on a theory which the English Church and nation has long since rejected, the superior merit of celibacy. And I should take a more practical objection to it, viz., that it interferes with the really good working of the place. Hardly, in any case, could Oxford hold out money inducements sufficient of themselves to retain those best qualified for her purposes; and if to the difficulty of insufficient money, or at any rate, much less money than can be got elsewhere, you add the additional one of the requirement of celibacy, the practical result is clear. Those who can get the better posts in the education of the country will do so, and the University must ultimately feel a want of men calculated to conduct her education.

Restrictions on Fellowships.

Local restrictions, an evil.

Restrictions to Scholarships, good.

Clerical and celibate restrictions, an evil.

Question 11. I have never heard any satisfactory reason given for maintaining the distinctions between Compounders and ordinary Students. I believe its impropriety is generally allowed. The distinction between noblemen and others rests on a different ground from that which concerns Gentleman-Commoners, and in our present social state is, I think, more defensible. The last, one of mere wealth, has no sufficient ground of reason, in my judgment,

Distinctions of Rank.

Rev. R. Congreve, M.A.

to balance the practical objections to it. I consider a Gentleman-Commoner in a very unfortunate position. He is a kind of mark for all sharpers, and subject to every kind of imposition. He pays considerably more without, as far as I know, getting any real substantial advantage by so doing; he enjoys the questionable privilege of less strict discipline both as to conduct and teaching; and very much of the more desirable society amongst his equals in age would generally make it a principle to avoid him, leaving him to the worse society. It is a sense of these evils, I presume, which has led to the refusal of many Colleges to take Gentleman-Commoners. I think a University should recognise no distinction but those founded on one or other of its two objects—education and learning—and so should wish to see those of rank as well as those of wealth abolished. If they must exist, considering the harm they do practically, they should be confined within as narrow limits as possible, to some one or two Colleges, I mean. It follows, of course, that any distinctions of parentage at Matriculation are to me simply objectionable. I cannot see any ground for maintaining them.

Inadequacy of Collegiate Instruction.

Question 12. The answer to this must be, I conceive, that they are not capable—whether they can become so is the question. There is a material difficulty in the amount of disposable funds. For the new system more teachers must be ultimately required, if it is to be fairly worked, and the present fund will not offer much inducement to any if divided amongst a larger number than at present. It could hardly be expected of course that a wide extension of the subjects taught would find a ready-made staff to teach it. That must be a work of time to create; but with the means at present available, I own I do not see any immediate prospect of its existing. The question is, whether an increased energy in the Professorial system is not the only possible remedy for our difficulty. If not, the only other I can see is a large development of the Private Tuition system.

Private Tuition.

Question 13. The system of Private Tuition I conceive to be a great evil, but certainly, hitherto, a necessary evil. In the hands of the Private Tutors has lain the real teaching of the best men in the University for some time past. I speak generally, of course. Its effect on the Pupils must vary infinitely. In many cases, I cannot but think that the total inexperience of the Tutor in all the higher part of education far outweighs, for the pupil's harm, any good he may get in the way of knowledge. But so far as my own experience goes, it is for the Tutor himself that the evil of the system is the greatest. He is put, immediately after taking his degree, to a task for which he cannot be qualified, the guiding others in the most difficult parts of their intellectual training. The process takes up his whole time if he wishes to live by his work, strains his powers, leads him to adopt crude systems, to refinement of form rather than to real knowledge, and leaves him at the end of three or four years not much richer than he was (for the pay is inadequate, I conceive, to the exertion), and with so many years mispent, so far as his own advance in knowledge is concerned, and that at the period of life most adapted for the acquisition of knowledge.

Bodley's Library.

Question 14. That the Library should be more generally useful is clear—it is practically to College Tutors useless during Term time, owing to its hours. The evening is the only time they could use it, but it is then closed, and no books are allowed to be taken out. This would seem an unnecessary degree of strictness.

University Accounts.

Question 15. On this point there can, I should think, be little doubt. As members of Convocation have to vote sums of money for various purposes, how can they judge of the propriety of the sum proposed, unless they have a full knowledge of the state of the University funds? In this, as in College matters, publicity is indispensable, and would remove much of the suspicious feeling against all money votes now felt, however desirable the object.

Suggestions as to Vacations.

Over and above my answers to the questions given, I would hazard one suggestion to the Commission. It is, that the system of University Terms should be altered. Instead of four, or practically three, Terms as at present, I would wish to see only two. These two should be as long as the present ones; there should be between them a full half year. Say that the Winter Term was from October 1 to as near Christmas as possible, about eleven weeks in length. The other might then be from the end of January, for a period of 15 or 16 weeks. This would leave the vacations as long as they are, and would avoid the evil of three breaks; it would give a longer time together for the subjects of study, it would fit in more easily for the purposes of examination. There would then not be the present complexity of Terms, owing to the different periods of matriculation, and it would get rid of the summer residence, which is at present an absolute waste in every respect. It might be wise for the different Colleges to grant, in many cases, leave to reside as a privilege, but the majority might enjoy themselves in the country.

RICHARD CONGREVE.

Travers Twiss, Esq., D.C.L., F.R.S.

Answers from Travers Twiss, Esq., D.C.L., F.R.S., late Tutor and Dean of University College, and late Professor of Political Economy.*

Expenses.

1. The *ordinary* expenses, if by that term are meant the *necessary* expenses of an University education, do not admit of much diminution. As far as the management of the Collegiate Establishments are concerned, each College varies so much in its arrangements that no general rule can be laid down, and profuse expenditure beyond the walls of the College may co-exist with economic habits within the College. The restraints upon extravagance are more difficult to maintain in the present day than heretofore, from the increased intercourse with the metropolis, which removes the expenditure of the Students in many respects from the supervision of the College authorities; but it may be worthy of consideration whether extravagant expenditure might not with propriety be placed directly in the catalogue of collegiate offences to be visited with

* For Dr. Twiss's Evidence as Public Examiner, see Part III., p. 293.

punishment as other deviations from moral duty. The great object should be the prevention of debt by fostering through college discipline the sense of duty in resisting the temptation to incur it: there is no effective remedy after it has been once incurred; for as all debts are in the nature of contracts, there is a moral obligation to satisfy them, even if there should be no legal obligation so to do. Hence, although a parent might be perfectly justified in refusing to discharge the debts of his son, yet the youth himself would feel morally bound to pay them when he has the means of doing so, and it is upon this feeling of moral duty that the creditor relies for the ultimate discharge of the debt, which he further secures in many cases by obtaining a written acknowledgment of it after the student is of age. My own experience, as Dean of a college for about 8 years, leads me to think that the Colleges cannot throw any more *positive* safeguards round their members than already exist, at least, none which are worthy of the consideration of Her Majesty's Commissioners.

DISCIPLINE.

2. The authorities have ample powers to enforce discipline. At present the discipline of the Colleges is as strict as is desirable. If the discipline should be over-strained, it will lead to measures of evasion, which may be morally more injurious than the evils which the discipline is intended to prevent.

CONSTITUTION. Caroline Statutes.

3. The University has ample powers to make, repeal, and alter statutes. There are only three statutes—"regiâ auctoritate sancita"—which the University holds, that it may not alter without the consent of the Crown; in other respects its legislative powers are adequate to its wants. It is not the power which is deficient, but the machinery for exercising it is cumbrous and inconvenient.

VICE-CHANCELLORS.

4. The Vice-Chancellor is annually nominated by the Chancellor from amongst the Heads of Colleges, and the practice is for the same person to continue in office during four consecutive years. The tenure is, perhaps, too long for the individual, as the labour of the office is exceedingly severe, but it is very desirable for the University, as the Vice-Chancellor is the mainspring of every Academic proceeding, that he should be conversant with his duties, which would rarely be the case, if the tenure of his office were in practice a yearly tenure.

PROCTORS.

The Cycle under which the Proctors are nominated is not in accordance with the present size and importance of the respective Colleges. It is not known upon what principle the Cycle was drawn up; but the Statute, which constituted it, is one of the Royal Statutes (Charles I.), which cannot be altered without the consent of the Crown. Various proposals for re-arranging the Cycle have been under consideration, but no definite scheme has been, as yet, brought forward. It is of considerable importance that the Cycle should be re-adjusted to the present claims of the Colleges, as the Proctors share with the Vice-Chancellor the patronage of University Offices; and the Colleges, which are not fairly represented in the Cycle, are entitled to consider their members prejudiced in regard to their chance of appointment to public deputations, Academic delegacies, the offices of Public Examiner, Select Preacher, &c., in which the Proctors have either an exclusive or an influential voice. One advantage of the Vice-Chancellor continuing in office for four years is, that the claims of his College, which may be perfectly reasonable and just, cannot well interfere with his patronage during the whole period of his office, so that he is enabled, in some respect by the distribution of his patronage, to correct the defects of the Proctorial Cycle.

CHANCELLORS.

5. The University is governed absolutely by the Chancellor. "Cancellarii munus est, publicum totius Universitatis regimen curare." He convokes the Legislative body, and has a veto on all their proceedings. He is the sole judge in all controversies. He is the sole magistrate, and is entrusted with the executive power. The Vice-Chancellor in his absence exercises these powers, and, in addition, provides that all Academic Exercises, &c., shall be duly performed.

CONNEXION OF THE COLLEGES AND THE UNIVERSITY.

The connexion between the Colleges and the University is simple. Every person intending to be a Student must be admitted into a College or Hall within a week after his arrival at the University, and no person can be a member of a College or Hall 15 days without being matriculated in the University. Every Student in a College or Hall must be placed under the care of a Tutor nominated by the Head, and approved virtually by the Vice-Chancellor. After matriculation, the University by practice leaves the Student in the hands of his College until the Responsions or first examination, and then again until his examination for his B.A. degree. In theory Students are required by the University to attend the Professor's lectures according to a regular course of study, but practically this has become disused, and the Students are prepared for the examinations by the College Tutors. These Examinations are quite unconnected with the Professor's Lectures, and are regulated by a Board of Public Examiners in accordance with an Examination Statute. The indirect system of teaching by examination has practically superseded the direct system of teaching by professorial lectures.

The discipline of the Colleges is quite distinct from that of the University. The Colleges are regulated by their Statutes, and control the Students when within the walls of the Colleges. The Proctors of the University, on the other hand, are responsible for the preservation of order in the streets and suburbs of the University itself, and deal with members of the University as such, without regard to their Colleges; but they occasionally represent breaches of discipline, if necessary, to the College authorities.

HEBDOMADAL BOARD.

The Heads of the Colleges form a deliberative assembly which meets weekly, and is called the Hebdomadal Board, the Proctors of the University being ex-officio members of this Board. Its functions are deliberative. It forms a kind of Council to the Vice-Chancellor, and it prepares measures to be proposed in Convocation, if there should be occasion for any new Statutes or Decrees.

The great addition made by Archbishop Laud to the administrative machinery of the University was the institution of the Hebdomadal Board, which consists for the most part of picked members of the Colleges, well experienced as Tutors and Examiners before they became Heads of Houses; but inasmuch as the members of this board are the Heads of the Colleges

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and Halls, and the majority of the Convocation is made up of the Tutors of the Colleges and Halls, it may be doubtful whether the Professors, as a body, have their just share of influence over the studies of the University. The Laudian Constitution has proved to be defective in this particular.

University Extension.

6. I do not think it desirable to establish new Halls, but rather to extend the benefits of the existing Collegiate Establishments to a greater number of Students than they are at liberty, under the present regulations of the University, to admit upon their books. By the existing Statutes of the University, Students are required to be of 16 terms' standing before they can take a Bachelor of Arts degree—and to have kept 12 terms of residence out of the 16 terms. Twelve terms of residence are as little as can well be required, being equivalent to three years of study. But there is a further regulation, that every Student must keep "board and bed" within the walls of a College or Hall during 12 terms of residence, or until he is of 16 terms' standing. The

Objection to Halls.

result of this regulation is, that the Colleges cannot extend the services of their staff of Tutors, &c., to more Students than they can accommodate within their walls consistently with the provisions just specified. It is a great advantage to the Students to be subject to the restraint of College walls for the first period of their residence; but it may be open to question whether the period of 12 terms might not be reduced to 10 or 8 terms, after which the Students might, with the permission of the Head of their College, lodge in private houses. Such a change of regulation would extend the benefits of the Collegiate establishments in the proportion of one-sixth or one-third—so that if the Students at present amount to 1,200, the existing staff of Tutors, &c., might become available for 1,400 or 1,600 Students, without any expense of new buildings, &c. I do not think it desirable to allow Students to become members of the University in accordance with the third suggestion further than is allowable at present—as the Vice-Chancellor has power to license Students to reside outside of the College walls, and exercises his discretion in favour of married men, students above 25 years of age, and students resident under their parents' roof. As to the fourth suggestion, strangers may attend the Professor's lectures at present. I do not think it would be desirable to give certificates of attendance to such persons if no examination takes place, as the certificate would be no guarantee of proficiency.

Advantages of permission to reside in lodgings.

Matriculation Examination.

7. I am unfavourable to an examination at matriculation. The University professes to teach, and ignorance rather than knowledge must be presumed on the part of those who come to be taught. Besides, instances have occurred of the highest distinctions having been obtained in the examination for the B.A. degree, by individuals who were not able upon their matriculation to join the classes in the Tutor's lecture-rooms owing to deficient preparation. A great modification has been made in the Academic system by the recent alteration in the Examination Statute. The interval before the first examination has been diminished, and *three* examinations will henceforth precede the B.A. degree. I think the first degree of Bachelor of Arts is obtained at a sufficiently early age. I doubt the practicability of the higher degrees being made *real* tests of merit, and if the M.A. degree were to be encumbered with any further examinations, few laymen

Higher Degrees.

would proceed to it. Degrees in the faculties may be subject to other considerations. The ancient system had no doubt gradually become a mere form; but exercises more suitable to the manners of the day than the ancient disputations have of late been introduced in Theology. In Medicine a formal examination now takes place, and in Civil Law a new Statute has been laid before Convocation.

The changes in the Examinations for the B.A. degree allow the last year of study to be made more subservient to the future pursuits of the Students than heretofore.

Professorial System.

8. There can be no doubt that the professorial system may be combined with the tutorial system to the advantage of the student, and the new scheme of examination tends to promote this result. The professorial foundations are as available as they can well be for the students. It is not so much new foundations that are wanted, as pupils that are wanting in attendance on the present Professors. This has partly resulted from the pressure of the public examinations on the diligent students; and their example in neglecting the lectures of the Professors has had a prejudicial effect on the idle students.

The new Examination Statute requires attendance upon two courses at least of professorial lectures, as a preliminary condition for undergoing the examination for the B.A. degree.

Convocation, bad source of patronage.

9. At present some of the Professors are nominated by the Crown, others by Convocation, others by Boards. I do not think that there is any practical difference in the general result of these appointments; some surpass, others fall short of, preconceived expectations. Personally, I ought to speak favourably of Convocation, having to thank it formerly for my own appointment to the Professorship of Political Economy; but I must confess I do not think that a popular body like Convocation should have imposed upon it the duty of selecting Professors. That responsibility, if it is to devolve on an Academic Body, would be better left to an official Board.

Restrictions on Fellowships.

10. The existing limitations in the election of Fellowships are, generally speaking, imposed by the will of the Founder. In some cases a custom has grown up of interpreting the will of the Founder narrowly; and such an interpretation has a natural tendency to perpetuate itself: in others a custom, coeval with the origin of the College, may positively defeat the provisions of the statutes. In justice, however, to certain Colleges, it must be said, that of late, in many instances, a more beneficial interpretation of the will of the Founder has been adopted with the most advantageous results; and if their example were only followed by those Colleges which have analogous statutes, there would be less reason for complaint on account of existing limitations. Perhaps it might be desirable to give to the Visitors of Colleges more ample powers than they possess by law at present, *e. g.* they might be enabled, with the sanction of the Crown, on the application of a College, to exercise generally the functions of co-Founders.

Distinctions of Rank.

11. The distinctions between compounders and ordinary graduates may well be abolished. The burden of the higher payment falls very heavily on the incumbents of small livings, and

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often prevents their proceeding to the M.A. Degree. The distinctions as to parentage seem rather out of keeping with the manners of the age; but all these questions affect the revenue of the University, which is notoriously inadequate to existing demands upon it, and the abolition of distinctions of *grade* would entail a general revision of University fees. As to the distinction between noblemen, gentleman-commoners, and other students, it may be convenient to large Colleges in regard to the maintenance of discipline; but it does not appear to have any good effect in an academical point of view. Most of the *working* Colleges decline to receive gentleman-commoners. Some Colleges, on the other hand, are precluded by their statutes from admitting commoners.

Study of Theology.

12. The means of qualifying students in Oxford for holy orders have been increased of late by the institution of Professorships in Ecclesiastical History and Pastoral Theology by the Crown, and in Biblical Exegesis by Dean Ireland. So far there is no *necessity* for seeking theological instruction in other places.

Inadequacy of present means of Instruction.

13. The capability of Colleges to furnish instruction is necessarily limited to theology, history, philology, moral philosophy, and mathematics. They do not possess the *matériel* for instruction in the physical sciences. This must be sought at the hands of the Professors.

Private Tuition.

14. Private tuition is a necessary accompaniment of a strict system of examination, as it is impossible for the majority of students to prepare themselves with sufficient accuracy, unless continually questioned orally and on paper by a competent Tutor, who can give up his time to an individual. Private tuition requires to be *regulated* more, perhaps, than is at present the case. Whilst professorial lectures supply new facts, and accustom the mind to reason inductively up to general truths, the Private Tutor trains the mind in deductive reasoning, and teaches the student to classify admitted facts. The Public Tutor holds a middle place, as far as the training of the intellect is concerned; but he has likewise the duty of moral supervision imposed upon him, and he endeavours to create good habits, and check the formation of bad habits. A complete academic system will assign a place to the Professor, the Public Tutor, and the Private Tutor. When private tuition is abused, the Tutor becomes a mere machine for cramming students with conventional forms of thought, and the pupil reproduces in the Examination School the formal ideas of his Tutor without much benefit to himself, sometimes even with detriment.

Bodley's Library.

15. Bodley's Library, as *a library of reference*, is as useful as it can well be, for every facility is afforded by the present officers to persons who wish to consult it, and its stores are ample. I should doubt the wisdom of interfering with this library, as a library of reference. What is wanted at Oxford is a second library, which might be a *library of circulation*, like the Fitzwilliam at Cambridge, or the London Library in St. James's-square.

University Accounts.

16. As to the propriety of submitting the University accounts to Convocation, it is difficult for any person who has not been a Delegate of Accounts, and so far become conversant with them, to form an opinion. At present they are audited by a body of Delegates. It is not unimportant to keep in mind that the annual payments from Members of the University, as University dues, are *fixed* payments, settled once for all by Convocation, and not fluctuating payments; so that there is no analogy between bodies which are required to vote sums of money to defray fluctuating expenses, and which may be entitled to keep some check by an annual audit upon the amount of expenditure as affecting the amount of taxation, and the University which has fixed the payments both into and out of the University chest. The audit, which is performed by the Delegates of Accounts, is thus rather a ministerial than a judicial business. It should also be kept in mind that "Convocation" is practically, in all ordinary matters, only a Committee of resident Doctors and Masters, for the most part Foundation Members of Colleges. There are upwards of 3,000 Members of Convocation, including non-residents; but much ordinary business is transacted by Convocations which hardly exceed in number a Board of Delegates. It appears to have been a main object of Archbishop Laud's reforms to relieve Convocation from many of the duties of administration which had engendered party strife, by empowering the Proctors to name annual delegacies to be approved by Convocation. But inasmuch as the accounts to be annually audited include the accounts of the Proctors themselves, it was held to be inexpedient that the Proctors for the year should have the power of nominating their own auditors. A permanent Board of Auditors has been accordingly provided, nominated as vacancies occur, by the Vice-Chancellor and Proctors jointly, subject to the approval of Convocation. An annual statement of the police accounts is published, and sent round to the Colleges; but I am not aware that any periodical account of fees received and stipends paid is made public.

TRAVERS TWISS.

Answers from Sir Edmund Head, M.A., K.C.B., Governor of New Brunswick, and late Fellow and Tutor of Merton College, Oxford.

Sir E. Head, M.A., K.C.B.

Government House, Fredericton, New Brunswick,
May 1851.

Sir,

I have had the honour of receiving your circular of the 18th of November last, inviting me to offer any information or suggestions with reference to the University of Oxford.

I have some hesitation in replying to this, because it is so long since I took a part in the business of the University as a College Tutor or Examiner, that I am necessarily ignorant of

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OBJECTS OF THE COMMISSION.

the existing condition of things; my time and attention have for many years been devoted to other subjects.

Yet I have always felt, and still feel, so deep an interest in the matter placed in the Commissioners' hands by Her Most Gracious Majesty, that I cannot refrain from offering a few observations. I know that I differ from many of my friends and contemporaries in the principle on which such questions should be handled, and I must therefore crave your indulgence if I preface any practical observations which I may venture to make by a few remarks of a more general character.

I think it of very great importance that in any scheme of reform for the University of Oxford, the University and the Colleges, which are to the popular view almost identified with it, should be kept entirely separate and distinct.

All corporations are the creatures of the law, and exist only by virtue of what may be called a legal fiction. The Crown and Parliament, as the sovereign authority in England, must therefore be deemed capable of controlling and modifying the functions of all such bodies. But I conceive there exists in the English mind a strong and just sense of a difference between public corporations, properly so called, and private corporations. The University appears to me to belong to the former class, the Colleges to the latter. The University has been maintained, and exists, for public ends and objects—the education of the people of England.

The Colleges have been incorporated and allowed to exist as private bodies, each designed to carry out objects more or less distinctly defined in their several charters and statutes. For the promotion of these objects they hold property, and carry on their own government.

Mode of interference with the University.

It appears to me that the difference inherent in these two classes of corporations is such as to suggest the expediency of interference of a different kind on the part of the sovereign power.

In the case of *public* corporations like the University, I think it is not only allowable, but essentially right, that the Legislature should from time to time interfere to regulate and modify the action of their own creature by positive enactments, eliminating all hindrances to the main object for which such a corporation was instituted, and directing in what manner the privileges granted by the Crown and the nation can be best used for the advantage of the nation at large.

In the case of *private* corporations, I think the analogy of English law and the sound feeling of the English people would be best consulted by making the interference negative; that is to say, by declaring null any laws, statutes, or bye-laws which the Legislature may deem mischievous, but abstaining from directly enforcing against the will of the members any particular course of action.

I apprehend, after the Act of the 13th of Elizabeth, no one will dispute the title of the Legislature to interfere with the University as such, although very different opinions may exist as to the expediency or the nature of such interference. With regard to the Colleges, however, I know that many persons, whilst they could not deny the power, would on conscientious grounds scruple to admit that it can be right even for Parliament or the Crown to modify or alter those statutes on which they originally rest, and would therefore object even to the negative interference which I consider as expedient. I respect such scruples, but I cannot say that I consider them as having much weight. If there be no implied condition of obedience to the law of the land, as it may be modified from time to time, inherent in all charters or statutes of this kind, then assuredly many persons who at the time of the Reformation continued to hold their Fellowships were guilty of perjury. Nor do I see, on such a principle, how Acts of Convocation, or Acts of Parliament, passed since the Founder's wishes were expressed in the statutes, can relieve the present members of a foundation from carrying out the letter and the spirit of those statutes. The acceptance of a Headship or a Fellowship is a voluntary act: how can a man justify himself in attending and compelling others to attend daily worship which the Founder would have deemed heretical, if the wishes of that Founder are to be his only guide? If it be said that it may be fairly supposed that William of Waynflete, or William of Wykeham, would have seen the errors of the Romish Church, and would have heartily joined the Reformed Church of England, such a principle seems to me to open a very wide door. What a man would have thought on a given subject if he had lived two centuries later, is a question purely speculative, and one which every man may answer differently, according to his own views. But the solution of this difficulty is easy and immediate, if we hold that there is a condition of submission to the lawful sovereign power implied in the creation of every such corporation, of whatever character. Is it not almost absurd to attribute to the wishes of a fallible man, living in the thirteenth or fourteenth century, a power of binding in perpetuity a corporate body endowed with an artificial existence by the law alone?

The first statutes of Merton College were framed in 1264, that is to say, two years before it can be shown that the knights, citizens, and burgesses of England were summoned to Parliament. The statutes actually in force bear date, if I mistake not, in 1274. Since that time, nearly 600 years have elapsed; the constitution of the monarchy, of Parliament, of society at large, of the Church, and of the University, have undergone infinite changes. If the letter of the Founder's wishes is to be our guide, notwithstanding these changes, such a body would run a risk of being a public wrong. If the spirit of the Founder's wishes, as binding the conscience, is to be inferred analogically, without reference to what the law considers binding or not binding, then the speculative opinions of each individual must ultimately decide in every case in opposition to the enactments of the Legislature.

Mode of interference with the Colleges.

I believe, therefore, that every member of a College is bound by his oath of obedience to the statutes in every particular in which the law of the land for the time being leaves to the statutes the power to bind, and in no other. The noble opposition of Magdalen College to King James II. was what it was because it was made against the *unlawful* exercise of the

Royal Prerogative, not against the *legal* and *constitutional* enactments of a Sovereign Legislature, of which the Crown is part. *Sir E. Head, M.A. K.C.B.*

It will be seen, therefore, that I admit, as every Englishman must do, what would be popularly called "the abstract right" of Parliament to override by its legislation the statutes both of public and private corporations. But, as I have said, I consider it most expedient and right on every account that this power should be exercised differently in the case of these two classes of bodies.

In the case of public corporations, I should say that there is a duty incumbent on the Legislature to regulate and modify their actions, so as best to attain directly the end for which they exist.

In the case of private corporations, on the other hand, I hold that this interference is, as a matter of expediency, best exercised by attaching to it a negative character; that is to say, by declaring null and void all obligations of statutes or bye-laws which Parliament may deem inconsistent with the public good, but by abstaining from any compulsion on the members of such a body of an active kind. When obligations which are deemed mischievous and contrary to public policy are no longer binding, the good sense and upright feeling of English gentlemen will in time effect the rest, without a rude shock to the liberty of action and sanctity of private property cherished by our countrymen.

It may seem needless to offer remarks the truth of which is almost implied in the issue of Her Majesty's Commission for this inquiry; but I am desirous of avoiding all misconstruction by explaining the principles on which I consider interference of any kind with the University and the Colleges to be justifiable and requisite.

I pass now to the consideration of the various points to which my attention is directed, and I shall number my remarks in conformity with your circular.

I. Direct interference with the expenditure of Undergraduates is almost impossible. The Cambridge system of causing Bills to be sent through the Tutor involves, as I believe, evils at least equal to those existing at Oxford, though of a different kind, without effectually attaining its end. The moral influence of parents must be looked to as the first and most powerful check on habits of extravagance. All that the College or University can do is to second this influence by diminishing temptation, and by discountenancing in every way unnecessary expenditure. The first question is, "What are the average and reasonable wants of young men, Members of a College or Hall, looking to their ordinary means and their usual station in life?" All possible facilities for satisfying such wants should be afforded within the walls of the College itself, by arrangements under its control, and the temptation to resort to taverns and confectioners' shops thus diminished. If it be reasonable that a young man should set on his table for his friends a dish of oranges or a dish of biscuits, or should be able to procure coffee when he requires it, some person should be authorized by the College to furnish such articles at the lowest price within certain limitations as to quantity, and under strict obligation to send in his bill every Term. Any breach of these regulations would involve the forfeiture of his monopoly, if it may be so termed. I know that in my time an article in which great extravagance took place was that of desserts. Whether wine could or ought to be supplied in this manner is a question for consideration. As a general rule, it is clear that the more an Undergraduate's ordinary wants can be supplied within the College, the less temptation there will be for him to run into an indefinite expenditure in such matters without the College walls, especially if they are supplied with good articles, and at a cheap rate. Such expenditure I call "indefinite," for when once a man cannot pay his bill, his only way of staving off the demand must be by fresh orders. EXPENSES.

There are many things, however, to which no such precautions as those to which I have alluded can apply, and in many Colleges I believe such precautions have been already adopted, as far as they can be. An Undergraduate's tailor may live in Oxford, or he may live in London, and in either case, if the latter's family be respectable, he will have no difficulty in obtaining credit. Nor do I see how this evil can be stopped by other than moral means. The Vice-Chancellor's Court, no doubt, in my time, rather gave facilities for running in debt, since it offered to the creditor a summary method of recovery, and I do not think it secured any advantage equivalent to the mischief which it did. I am inclined to think that the enactment by Parliament of a short statute of limitations, say two years, for persons below twenty-one, being resident as Undergraduates in either University, might deter tradesmen from giving unlimited credit even for necessaries. Still, as in gambling debts, the sense of honour and respectability of the individual or his family, would often be relied on more than the actual power of legal recovery.

It must be remembered, too, that if the College authorities are to discourage running in debt by expelling or rusticating Members known to be guilty of such conduct, then the very weight of the penalty would lend force to the demand of the tradesman, and would cause him to rely on the individual doing all he could to pay. The threat of exposure to the College would be more effectual than a suit at law. Great caution, therefore, must be used in applying any means of this kind.

The results of the whole is, that no legal enactments or College regulations can ensure the adoption of economical habits. All young men just beginning to use their own discretion, will very often be misled to abuse that discretion. The gradual freedom of action which is to fit them for the world makes it necessary to leave them a certain scope. All we can do is to diminish temptation, exert all our moral influence, and as far as possible, deny the aid of the law to those who take undue advantage of the inexperience of an Undergraduate.

II. I do not see what additional powers to enforce discipline can be given. Expulsion or even rustication is a heavy ultimate penalty: impositions written out for hire are certainly not very effectual; and I think it inexpedient to make confinement to Hall or Chapel a punishment, as was sometimes done. An obligation on an offender to present himself three or four DISCIPLINE.

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times a-day at stated hours to some College authority is not, perhaps, open to the same objections.

University Statutes.

III. It is clear that no statutes enacted solely by the authority of Convocation can be irrevocable by the same authority. I concur that full authority must be given to Convocation to enact, alter, and repeal statutes, which in no way contravene the law, or the authority of the Crown. I do not know that the legal question how far statutes sanctioned by the Crown become irrevocable by Convocation, by virtue of that sanction, has ever been definitively settled. The "Caroline Statutes" are of this character. I think it might be expedient to invest the Crown with such a discretionary power of making a statute irrevocable without its consent, if it does not, as is commonly supposed, exist already.

Appointment of the Vice-Chancellor and Proctors.

IV. I do not see much practical evil in the present mode of appointing the Vice-Chancellor, though I think any Member of the body to which I shall allude in my answer to No. 5, ought to be capable of holding this office. With regard to the Proctors, they are the Executive of the University, and as such their appointment should be sanctioned by the University, and not by their own Colleges only. I would give the choice of the individuals to Convocation from a list framed by the body hereinafter to be described. Their functions are difficult, and it would be expedient that they should be elected for a longer period, say four years, and remunerated by a sufficient salary. I think the veto possessed by the Proctors is absurd in theory, and useless in practice.

Constitution.

V. I consider that the constitution of the University, as established by Archbishop Laud, is one of the main causes of the mistaken views now existing. It answered a good purpose in its day by preventing disorder, and otherwise, but its practical effect is to reverse the proper relation of the Colleges and the University. The latter is made, in fact, subordinate to the former, instead of superior to them. Convocation can do nothing, unless the proposal be first made by the Board of Heads of Houses. Now the Professors ought to be the representatives of the instruction imparted by the University as distinguished from the Colleges, and therefore ought to have at least an equal voice in such initiation. I think with a view to the practical consideration of matters of discipline, the addition of a certain number of College Tutors would be desirable.

Proposal of new Hebdomadal Board.

It appears to me that a body, consisting of five or six heads of Houses, the Proctors, with, say six Masters of Arts elected by Convocation, the Professors, and a certain small number of College Tutors, would possess all that is requisite for the due consideration of questions to be submitted to Convocation, and for the transaction of the ordinary business now brought before the Hebdomadal Board.

I can conceive no use in keeping up the distinction between "Congregation" and "Convocation," or between Regent and Non-Regent Masters of Arts. The very names have reference to a state of things which is wholly obsolete, and are not intelligible. I think it would be inconvenient in practice to give to any Member of Convocation the right of originating in Convocation itself what motion he pleased, but I see no reason why it should not be open to any Master of Arts to enter upon the books of the Board above described, in an official form, any proposition which he might think ought to be submitted to Convocation. The Board might receive his reasons for such proposition, and then decide on the propriety or impropriety of submitting it to Convocation.

University Extension.

VI. I can see no objection to allow the establishment of new Halls, either as independent Societies, or in connexion with Colleges. In the former case, I think a resident Head or Superintendent should be sanctioned by the University Board. With regard to Students lodging in private houses, I believe that under proper precautions, as at Cambridge, it might be allowed without any large amount of evil.

I can see no objection to a Student becoming a Member of the University without being a Member of a College or Hall, provided he were living with his own family, or in that of friends recognized as standing in the place of his own family; except under these circumstances, I think it would be difficult to check abuses of all kinds.

I see no objection, however, to admit persons to Professorial Lectures, and to grant certificates of such attendance, or of proficiency in a particular study to persons not Members of the University. But, I think, the University Examinations, and the Degrees dependent thereon, should be confined to Members of the University in the strict sense.

Matriculation Examination.

VII. I think there ought to be an University Examination before Matriculation, for two reasons:—

1st. Because the University, not each College or Hall, is properly the judge of a Student's fitness to become a Member of the University.

2nd. Because such an Examination would re-act with the most beneficial effect on all instructors, public and private. To have a Pupil rejected at this Examination would be felt to be a disgrace. I may say, that according to my recollection the ignorance of many Students just admitted, fresh from the hands of private Tutors, was astounding.

Two years' residence would seem sufficient for a Degree of B.A. For the Degree of M.A. a further Examination, without so strict a residence, but with the obligation to attend certain courses of University Lectures, would be advantageous. The Degree of B.C.L. ought to imply one year's attendance on Legal Lectures, or, at any rate, if this be difficult, in every case an Examination should precede the Degree. It would supply one great want in English education if the elements of the Roman law were really taught. Without those elements the public and municipal law of Europe generally is unintelligible.

Professorial System.

VIII. The complete absorption of the Professorial by the Tutorial system is probably that which weighs heaviest on the University as an University.

In my opinion the Professors ought to guide the whole studies of the place, and the College

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Tutors ought to instruct in subordination to their guidance. The Professors ought besides this to instruct the Tutors, who must either read with great diligence themselves, or become very soon stationary in their knowledge. Let us suppose that the Professor of Greek undertook to lecture to the Undergraduates on Thucydides, it should be the duty of a College Tutor to take care that the Members of his own College were possessed of that preliminary knowledge which qualified them to derive profit from the public lecture. After the lecture was over he might answer the questions and solve difficulties raised by his Pupils. The instruction of the College Tutor should be more catechetical; that of the Professors would, of course, be in the form of a lecture; but the one would be the complement to the other. Besides his lectures to Undergraduates I think it most important that a Professor should give instruction to those who had passed the Degree of B.A. and M.A., whether Fellows and Tutors of Colleges or others.

Combination with Tutorial system.

It is possible that in some branches of knowledge a "reader" or assistant to the Professor might be necessary in the same department, and I think that a Professor of the Roman language and literature would be eminently useful at Oxford. The University, at least in my day, was deficient in Latin scholarship.

Latin Professorship.

With regard to the natural sciences, my ignorance of them is such that I dare hardly venture to give any decisive opinion; but it is clear that where the inspection of experiments and specimens is a material part of instruction, the Professorial system is the only one available for any good end; and it is also clear that the physical sciences have been most unjustly depreciated and discouraged at Oxford.

Physical Sciences.

If the Professors were paid, partly by stipend and partly by fees, it would not be difficult to establish a system by which a certain percentage of a Professor's receipts should be devoted to form a pension fund.

Endowments.

One thing is evident above all. Unless the office of a Professor become such as to offer a secure and competent maintenance, men will not devote themselves to the acquisition of knowledge and the science of teaching. A Professorship should be looked to as a profession of itself.

IX. With regard to the appointment of Professors I entertain considerable doubt as to the best mode of appointment; and I am not prepared to offer any opinion as to what would be the best in all cases.

Appointment of Professors.

X. The limitations on elections to Fellowship ought, according to my views, to be declared, by Act of Parliament, no longer binding, or capable of being enforced before a visitor, but I would carry the interference no further.

Restrictions on Fellowships.

XI. I object to all the distinctions involved in the present arrangements as to Gentleman-Commoners, Grand Compounders, &c. I can conceive, however, some difficulty in interfering with Servitorships, Sizarships, or the posts of Bible Clerk, &c. These often afford to a man of limited income the means of rising in the world. They give him the full benefit of an University education without the obligation of conforming his social habits to those of men whose resources are more ample. The outward degradation is, perhaps, more than outweighed to a sensible man by these advantages, though the position is a painful one to persons of sensitive pride. In the world, however, go where we will, this sort of pain must be submitted to.

Distinctions of Rank.

Servitorships, &c., good.

XII. On the twelfth question I am scarcely capable of giving a detailed answer. My own views would incline to a separate Professorial course after the termination of the ordinary academical education, and, if practicable, in a separate establishment.

XIII. I do not think they are adequate at present, but this question is closely connected with the answer to Query 5.

XIV. Examination, as the test of fitness, seems to me to imply that those who are able to pay for it will seek for all the aid which can be obtained from private as well as public tuition. To stop private tuition compulsorily would perhaps be impossible, and would certainly be harsh and inquisitorial. There can be no doubt of the mischief done by "cramming," but I think some good must be set against this evil, and I believe the best remedy will be found in improving the means of instruction open to all to such a point that it shall be better in itself than private tuition, and should supply the need for it. This, again, depends much on the relation and harmonious working of the Professorial with the Tutorial system.

Private Tuition.

XV. On this point I venture to enclose a copy of a pamphlet, which is known to some of Her Majesty's Commissioners, and which I published at Oxford in the year 1833.

Bodleian Library.

XVI. I certainly think that periodical statements of the University accounts should be laid before Convocation, and that Convocation should approve, if they did not nominate, the auditors.

University Accounts.

I have the honour to be, Sir,
Your obedient Servant,
EDMUND HEAD.

Rev. A. P. Stanley,
Secretary to Her Majesty's University Commissioners.

A FEW WORDS ON THE BODLEIAN LIBRARY.

Bodleian Library.

Any observations hinting at the necessity of change in this University are usually met with some such remark as "it is easy to find fault," and a sneer, implying that the maker of them is deficient in the respect and affection due to his academical parent. In publishing these pages, I am far from supposing that there is nothing to be urged on the other side of the question, but I conceive that the arguments are of sufficient weight to merit some consideration by that body who alone possess the initiative here. As to incurring the imputation of a want of sufficient regard for the institutions of

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this place, I must consider that such an attachment is most truly shown, not by shutting one's eyes to any defects in our system, but by an anxiety that Oxford should lead the way in opening every avenue to knowledge, and hold the high station in the eyes of the country which such a course would ensure. To strain for this object, without yielding to an affectation of liberality, or stubbornly adhering to established forms, is our duty, and therefore our interest.

A library continually increasing by its share in a privilege, of which the pressure on literature can only be excused by the good use made of its produce,—such a library is a great and important public trust. It is assuredly a trust which cannot be discharged by suffering the books to accumulate faster than they can be catalogued, and by looking them over once a year. All will admit that it is the duty of the body to whom such a charge has been committed to exercise the greatest liberality, consistent with its future usefulness, and which shall not entail on themselves a disproportionate sacrifice. Those who advocate the present system of the Bodleian would, I imagine, maintain that its principal object is to furnish a repository where any work may be sought for, and that its every day utility as a library of reading is comparatively immaterial. Admitting for a moment that the more extended use of the books by letting them out of the library, under proper restrictions and with proper exceptions, would materially diminish its use for reference, it remains to be shown on their part that such reference is so frequent and important as to make up for the loss of all facility of reading to the whole academical body. Few residents in Oxford will think that the number of persons generally occupied in the Bodleian is large enough to warrant such a conclusion, whilst the fact that the usefulness of the library would not be diminished by a more liberal arrangement, seems attested by the system of almost every University in Europe.* They all have felt the difference to the Student between the use of the books at home and at limited hours within the walls of a public library, and they have accordingly found no difficulty in organizing a system which shall grant this advantage to the body of their members. Why should Oxford be an exception? Are we less studious, and therefore more insensible to the benefit of access to books at all hours; or are we less honest than the members of every other University? Certainly the latter supposition might be confirmed in the mind of a stranger by a perusal of the oath, so strictly worded and so guarded against evasion, which all graduates have taken. Such an oath, however, is equally binding outside and inside the walls of the Bodleian; if, therefore, it would be ineffectual as a security then, it is worse than idle to administer it now.

It is needless to argue the question theoretically, or to appeal to foreign Universities, which, it may be alleged, are differently circumstanced, and conducted on different principles from our own. The perilous experiment of suffering the books to leave their shelves has long been tried at Cambridge, a body similarly constituted, and which does not hesitate to allow the use of works from the Public Library even at a distance from the University. It is well worth while to inquire what are the means of knowledge thus put into the hands of its members, and at what cost to the University itself; for I see no reason why every advantage derived from the system there should not rationally be expected here, or why we should be subject to any risk from which they are exempt. The average number of volumes in use during the term from the Cambridge Public Library is about 3,000, and the value of losses sustained in consequence during several years past has hardly averaged *one pound* annually. It is true that the wear and tear of the books requires an outlay of about 20*l.*, and there can be little doubt but that their backs do not look so smart on the shelves. This, however, is the natural fate of all volumes, the use of which does not consist in remaining under lock and key, and which, instead of being strangled at their birth, are destined to contribute their due share to the instruction of mankind. That an increase in the establishment of the library would be necessary, is also certain; and although I have heard it said that there is an indisposition on the part of Convocation to vote money for the Bodleian (a feeling, in the present state of things, not very extraordinary), it is scarcely possible that there could be any objection, if a change of system promised to afford the members of the University a more extended use of the library to which they contribute.

I am fully aware that it is necessary to consider the extent to which books are to be suffered to leave an institution of this kind; and though it is not my intention to enter upon the details of any plan, I shall just touch upon this point, and then pass on to consider an objection of a different nature.

The contents of a public library are of two classes: the first contains MSS. and such rare volumes as may be ranked with them in point of price and difficulty of purchase; the other class contains all works likely to be in daily use, and easily to be procured. The former are the medals,† the latter the current money of literature; and to forego the use of these last from a fear of loss, is not a whit more rational than the conduct of a miser who should hoard his gold rather than put it out to interest on good security.‡ It is clear that no works of the more valuable class should be suffered to leave the library, or at any rate, only with the express permission and on the responsibility of the Curators. It is equally clear that many works of regular reference in the second, such as dictionaries, &c., should not be taken from the building, save where there are duplicates. Without entering into details, if we wish to see how a system can be organized which would combine security from loss with freedom of use, we may refer to a very interesting account of the Göttingen Library, in the second volume of the Journal of

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* See, among other cases, the article in the Journal of Education on the Göttingen Library, and the account of the Scotch Libraries in the number of that periodical for July, 1832, p. 34. The Advocates' Library, belonging to a body somewhat similar to a University, allows its books (with some exceptions, *see* a subsequent note) to be taken out. I believe that the system of the Göttingen Library in this respect is pretty much the same with that of most German Universities. The writer of the article before alluded to has fallen into the error of supposing that books were suffered to be taken out of the Public Library here. Vol. II. p. 225 (note).

† This reminds me that the Bodleian Library contains a very fine collection of coins, which are to be seen with great difficulty; indeed, the object of the statute (Append. de Bibl. Bodl. § 5, Addenda, p. 205) seems to have been to throw every obstacle in the way of those who might wish to have access to them. Coins are certainly liable to be stolen, but they are at present so *utterly useless*, that it is a pity the University cannot sell them, and substitute a set of sulphur casts, which would be generally accessible without the same risk.

Advocate's Library at Edinburgh.

‡ The first and second rules of the Advocate's Library at Edinburgh are as follows; the class of books restricted by them is partly, of course, professional, and perhaps too extensive:—

1. No MSS., books of great rarity, books of plates or engravings, works of the nature of encyclopædias, grammars, dictionaries, or indexes, editions or translations of the Scriptures, or of portions thereof, or works on the law of Scotland, shall be lent out of the Library, without the express permission of the curators, given on a written application, setting forth the grounds on which it is made.

2. No session papers, or appeal cases, shall be lent from the Library, except duplicates, and these not for more than one week during the vacation, or during session for more than two days, unless on special leave from the curators.

There is also a rule (the tenth) that all books, after being borrowed for a certain time, should be returned within two days of a notice from the Librarian that they are wanted.

Sir E. Head, K.C.B..

Education, or nearer home, to the arrangements at Cambridge. It will be said, that admitting the advantages to be derived from a change of system and the absence of risk, there still is an objection to any such alteration, which we at Oxford can never get over,—its being contrary to the wishes of Sir Thomas Bodley, as expressed in the existing statutes of the library. The prohibition is, indeed, there ordained "in formam perpetui edicti et indispensabilis." As a statute it is, of course, *legally* binding only until revoked by the same body who enacted it, and no such words inserted by former Convocations can or ought to bind their successors. But considering that these statutes are a translation from an original draught in Bodley's own handwriting, which is still preserved, it may be thought that there is a *moral* obligation upon us not to swerve from what is expressed in them,—that they seem almost the conditions* on which he bestowed his benefaction. I shall not, in the first place, discuss the question of how far we are justified in sacrificing the spirit of a founder's wishes and intentions to the letter of the terms in which he expressed them,—terms necessarily depending on the times in which he lived, which may thus defeat the whole subsequent utility of his gift, and which he would have been the first to alter if he could have foreseen the consequences: perhaps, in this case, the words may seem to some too express to be so considered. Nor shall I enter upon the point how far, by any such respect to the wishes of a private individual, we are authorized to lock up and make comparatively useless the gifts bestowed upon us by an Act of Parliament for the good of the community. But I maintain, that in a letter of Bodley's to the Vice-Chancellor, of an official nature, inasmuch as it was read in Convocation, there is positive proof that he never intended to bind Convocation by his draught of the statutes,—that he was not narrow-minded enough to suppose he could foresee every contingency,—and, finally, that we best fulfil his wishes by acting in the way which will make his bounty most useful. The passage is as follows:—

"I will send you, moreover, a draught of certayne statutes, which I have rudely conceived about the employment of that revenue, and for the government of the library. *Not with any meaning that they should be received as orders made by me (for it shall appear unto you otherwise)*, but as notes and remembrances to abler persons, whom hereafter you may nominate (as I will also request you) to consider of those affairs, and to frame a substantial form of government, sith that which is afoot is in many things defective, for the preservation of the library. *For I hold it altogether fitting that the University Convocation should be always possessed of an absolute power to devise any statutes, and those to alter as they list, when they find an occasion of evident utilitie.* But of these and other points, when I send you my project, I will both write more of purpose and impart unto you freely my best cogitations, being evermore desirous, *whatsoever may concern your public good, to procure and advance it so to the utmost of my power.*"

Upon this extract I shall only remark, that to uphold the present system appears to me to be anything but acting up to Bodley's wishes, unless indeed an average of some half-dozen daily readers be more for our "*public good*" than the circulation of 3,000 volumes. On this point hinges the whole argument. If it be our duty to promote the spread of knowledge among our members to the utmost of our power, and if such knowledge is not most likely to be diffused by hindering access to the means of its attainment, then most assuredly are we called upon to alter the existing system of the Bodleian Library. Nor can I conceive any objection to such an alteration, except that of the risk of loss and the opposition to the wishes of the greatest benefactor of the establishment. Experience at Cambridge has proved the former to be groundless, and I trust the latter has been shown to be equally futile. One other feeling there is (for I cannot call it a *reason*), which might weigh with some,—the hatred of all change—a feeling useful and commendable where no abuse arises from the actual position of things, or where there is a slight probability only of securing an amendment, but which has already given way more than once in the present century within these walls, in a manner honourable to ourselves and advantageous to the country at large, and which it is to be hoped may always give way when an abuse in our institutions is to be corrected.

All the points urged above would be strong if every resident in Oxford were able to reap the *full* benefit even of the present system, and could resort to the library during the few hours it is open, or could remain there with comfort during the winter months. There is no class of persons to whom the University, as a matter of policy, ought so readily to give every means of acquiring knowledge as the College Tutors. If there were any exception, it should be in their favour. They form also a very large proportion of the regular residents, and yet the very limited enjoyment of the books which others possess is in their case *practically* much diminished. I say practically, for I well know it will be said that the arrangements of the Public Library are unconnected with the hours of College lectures. But surely it is of itself a serious subject of consideration, that during the Michaelmas and Lent terms no College Tutor can possibly have access to the Bodleian during much more than two hours out of the five!* The portion of time thus cut off is short, but it is considerable when deducted from what is already far too limited.

I should feel much to blame if I were to lay these few pages before the public without stating most distinctly that it is the *system*, as established by the University, which I have ventured to attack, and not the *administration of that system*; a fact self-evident to all who have experienced the constant courtesy and ready kindness of the head Librarian and of every member of the establishment.

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* They evidently are not really such, as many of the books were given, and the arrangements made, before the statutes were enacted. We have two cases in Hearne's Reliquiæ Bodleianæ, in which Bodley himself sanctioned the violation of the rule in favour of Sir Henry Savile—a most pardonable exception! *See* Letters LXXXIII., CLXXIII.; in the former of these, he tells James, the Librarian, "But keep it to yourself, lest it go for a precedent."

In the case of Selden's books, indeed, such a rule was certainly one of the conditions on which the executors consented to give them to the University: oddly enough, if, as is said, Selden's reason for not having left them to Oxford originally, was that he had been refused the loan of a manuscript. It may be doubted whether, according to the fifth of those conditions, his books ought not to be all *chained*.—*See* Gutch's Wood's Annals, II., part II., p. 942. Bodley's books, too, if he acted *now* as he would *then* have done, should also be secured in this manner, for in Hearne's Reliquiæ, p. 152, he desires to be furnished with a thousand chains. Selden's books amount to about eight thousand volumes, and might, if necessary, be excepted from any such alterations as I am advocating.

† The Library is open, between Lady-day and Michaelmas, from nine in the morning till four in the afternoon; between Michaelmas and Lady-day, from ten in the morning till three in the afternoon.

It is closed on all Sundays, fast-days, and state holidays: also from Christmas Eve to the first of January, inclusively; on the Feast of Epiphany; from Good Friday to Easter Tuesday, inclusively; on the Ascension-Day; on Whit-Monday and Whit-Tuesday; on the days of Encænia and Commemoration; seven days immediately following the 1st of September; and eight days preceding the visitation of the Library, which takes place on the 8th of November.

On all other holidays the Library is opened immediately after the University Sermon.

Right Rev. T. Vowler Short, D.D., Bishop of St. Asaph.

Answers from the Right Rev. Thomas Vowler Short, D.D., Bishop of St. Asaph.

SIR, *St. Asaph, December,* 1850.

I BEG leave to acknowledge the receipt of a letter of queries dated November 18th, which I have not answered for two reasons: one because I have been much engaged by my ordination, and secondly, because I fear my observations must be so general as to prove of little use, since I have now quitted the University above 20 years, and have had so little intercourse with it that I do not know how the details of education and discipline are conducted.

I will nevertheless state such matters as strike me on reading the queries; and should the Commissioners wish for my opinion on any particular point I shall be most ready to give it.

PROBABLE RESULTS OF THE COMMISSION. Perhaps it may be wise and fair to state at once that I anticipate benefit from moral rather than legislative improvements, and conceive that the labours of the Commissioners are more likely to be useful by drawing the attention of parties interested to obvious evils, than by any immediate changes which they may be able to effect.

UNIVERSITY EXTENSION. 6. (1.) If there be a demand for admission into the University which the present Collegiate buildings cannot supply, I see no objection to the establishment of lodging-houses, each under the care of a Master of Arts, sanctioned by the Vice-Chancellor and his own College, who might either allow members to board in his house or to battel at his College.

6. (4.) Strangers are now admitted to attend any public lectures. The giving a certificate of having *heard* a lecture is a very inadequate testimonial, which I should not encourage.

MATRICULATION EXAMINATION. 7. The examination previous to admission is, I think, best confided to the College. I deem it next to impossible to render superior degrees tests of merit without excluding those whom we should be sorry to exclude.

HIGHER DEGREES. 8. 13. 14. The real difficulty of regulating the education of Oxford depends, in great measure, on the early age at which Examiners are called on to undertake that office; their knowledge is apt to be confined to a small sphere, and to be accurate as to details rather than extensive and liberal. The Candidate who hopes for success must be prepared according to the attainments of his Examiner; and in such an examination, the "cramming" furnished by a young Tutor will generally be more likely to succeed than the more enlarged teaching of an old one. To remedy this evil it would be useful to try to induce some older Examiners, who have perhaps left the University, to renew their labours in the schools. But the most important step would be to endeavour to provide, as far as possible, proper public tuition, on all subjects, for every Member of the University without his having recourse to private tuition. The Members of a large College will frequently find most of their wants, in this respect, supplied within their own walls; but this can rarely be the case in those societies where the number of Tutors must be small. How many Colleges are there where the elements of Mathematics are never adequately taught! How many subjects are there which a single Tutor cannot possibly teach properly! It is most desirable that the higher branches in each department should be superintended by Professors; but that which we are now seeking is *Elementary teaching*, and, perhaps, this would be better supplied if the old plan of the ancient system of lecturing or 'Reading" were again adopted—if every Master of Arts or superior Graduate were, under the sanction of the Vice-Chancellor, allowed to "read" publicly on any subject which he chose to name, and to charge for such terminal course any sum not exceeding 5*l.* (or other sum). I conceive that the system of private Tutors, (*i. e.* of Tutors who "cram" for examinations,) is most injurious to the education of the University, particularly of the young Tutors who are engaged in this work.

PROFESSORIAL AND TUTORIAL SYSTEMS.

RESTRICTIONS ON FELLOWSHIPS. 10. There are many limitations which, if allowed to be authorized by Founders, should have been limited to a short period; but it would hardly be wise to interfere with such cases at present, except where the society itself sought to be relieved by a legislative enactment, which might be effected by a public Act, in which each case must stand on its own merits: for myself, I should be disposed to grant such relief to a considerable extent.

The Colonies. It would be wise, where possible, to open Foundations to persons born in the colonies: ties such as these bind human beings more than fleets, armies, or Acts of Parliament.

DISTINCTIONS OF RANK. 11. I believe that the distinction of gowns is a benefit to the University. No power can create perfect equality of rank in this world, and no wise man would wish to do so. The nobleman and the servitor cannot be equal in rank; and while their dress shows the difference, they should feel themselves put on an equality in their Tutor's room.

THEOLOGICAL STUDY. 12. Oxford used to be a very good place for a superior young man to prepare himself for Orders; but the expense, and the temptations of the University, render it a very questionable point whether it would do good for ordinary Candidates for Orders to reside there generally. The class of candidates with whom I am most conversant do not enable me to form a general opinion.

I venture to place these observations before the Commissioners, which are, I fear, very common-place, and have probably been suggested by other persons, and with all kind wishes for the success of their important labours,

I have the honour to subscribe myself,
Their humble servant,

Rev. A. P. Stanley. THOMAS VOWLER ST. ASAPH.

Answers from the Rev. W. C. Lake, M.A., Fellow, Tutor and Senior Dean of Balliol College.

Rev. W. C. Lake, M.A.

Sir,

Out of the numerous and important questions which you have proposed upon subjects connected with the University of Oxford, I will endeavour to answer those which seem most directly connected with the Education of the University, in which I have taken part for some years, and feel a deep interest. You will allow me, in some respects, to depart from the order in which your questions are put, and to inquire into the desirableness of some alteration in our teaching, previous to touching upon other points.

THE INADEQUACY OF COLLEGES AND HALLS, AS AT PRESENT CONSTITUTED, TO FURNISH INSTRUCTION

In the first place, it seems essential to answer a question (the 13th), "on the capability of Colleges and Halls, as at present constituted, to furnish adequate instruction in the subjects now studied, and in those introduced by the recent Examination Statute."

I do not think that the *whole result of* an Oxford education, compared with that of other places, can be termed *inadequate;* but limiting the expression strictly to *instruction,* there must be few, if any, Colleges where education might not be improved, even in the subjects now studied, and far more so in those which the new system entails upon us.

I think, therefore, that it is desirable for the old, and essential for the new, system that the Student should attend the Lectures of some Professor three or four times every week, from the end of their first year, in the subjects which they especially pursue.

in the subjects now studied,

The reasons which, to some extent, cripple the teaching of Oxford Tutors, may thus be stated. In some Colleges there is but little subdivision of the subjects of Lectures, and therefore the same Tutor lectures on seven, eight, or nine different subjects at once. But even where this is not the case, and where the Tutors confine themselves chiefly each to one branch of teaching, it must often happen that the work of a single tutor, who lectures in History, will embrace Thucydides, Herodotus, Livy, Cicero, with a lecture in Divinity, and perhaps one in Philosophy. All these books will be lectured on in the same term, and imply at least 13 or 14 hours a week; to which must be added the same amount of time bestowed on other points, (*e. g.* looking over composition,) upon his pupils, or upon the general business of the College. Thus a tutor's work with his pupils will be nearly five hours a-day; two hours additional may be reckoned for the matters of College business, and he can rarely reckon upon two hours for his own studies of every kind.

Thus, in the first place, the very number of a tutor's lectures prevents his taking that interest in *all* which is essential to awaken interest in his pupils, and to this must be added, that the feeling that this kind of literature is not to be the business of his life, prevents him from working himself very heartily at those lectures to which he is not naturally inclined. The result is in almost every case some inequality of teaching, and while the best lectures of an able tutor are very good, some are probably far inferior. This is, perhaps, not so injurious to the mass of his pupils as it is to the ablest, with whom, in some respects, our system seems to me generally less successful than it is with the average class of men. But our ablest men are undoubtedly in several of their lectures undertaught, sometimes from the lecture itself not being good, sometimes from their being joined with inferior companions.

Thus allowing, what I believe to be entirely the case, that a large proportion of Oxford Tutors are able and energetic in their labours, it may still be safely said that, considering their divided work and attention and scanty time, many of their lectures *must* be inferior to what a Professor might give, devoted to a single branch, and with abundance of leisure.

Besides, the extent (now much increasing) of our work weakens us in other respects. The number of books, a peculiarity of our system, which we have to read with our Pupils obliges us to go over the ground very rapidly, so that many points are briefly touched upon, and, in fact, left to be worked out by Private Tutors, upon which, if we would give some of our work to Professors, we might more fully enter. Thus we often find that we need *extra work* of one kind or another, such as a *practising* lecture in translation or composition, which we can at present hardly manage to insert among the over-numerous books which require to be *got up.*

Looking, then, only to our present system, the assistance of Professors would, not indeed diminish our work, but by a better subdivision of labour than perhaps anywhere exists at present, enable us to devote ourselves more to two or three subjects, and both to lecture in them and to examine in them more closely.

and in the studies introduced by the recent Examination Statute.

But if these are defects under our *present* system, far more will they affect us under *the new,* which introduces both new subjects, and new books in our old subjects. Even our old subjects would hardly be within our unassisted compass, and *Scholarship* in especial (which requires closer inspection than anything else) must be either mainly worked up with private Tutors, or decline even more than it has done of late years. And as to the *new subjects,* it would be well nigh impossible to add them on to our old lectures, so as to do justice to both. Modern History, for instance, is a very large branch of study in itself, and even supposing a Tutor tolerably acquainted with it, how can he, by any possibility, overtasked as I have already shown him to be with his former work, find time for five or six lectures a-week, which, in order to be in any sense adequate, need each of them both previous knowledge and preparation at the time? Assisted by five or six lectures weekly from a Professor, his own two or three may be very efficient in keeping his men to their work, but, as their sole supply, they would be wholly inadequate. The same is of course the case with Law, Political Economy, and Physical Science. And the Students in these schools are those who will, perhaps, most require effectual superintendence.

It is indeed allowed on all sides, that there is no possibility of doing justice to the new subjects of Modern History and Physical Science, without extensive assistance from Professors.

Rev. W. C. Lake, M.A.

It will *not* be supposed that in any of the above remarks I intend to underrate the great excellences of the present Tutorial system of Oxford; on the contrary, I am strongly of opinion that the great bulk of the teaching at Oxford, ought to be left in the hands of Tutors, and that the Professorial system will do more harm than good if it weakens the influence of the Tutorial. Its place is as a *supplement*, and in this respect it is most needed, and may become most useful.

Professorial System

Upon one point of view in which Professors may be regarded, as men devoted to profound learning in their several branches, a class which now hardly exists amongst us, except in Theology, I will touch but briefly. But it is obvious that the presence among us of a really learned body of men must have great influence in exciting and deepening the studies of our Junior Members, and equally so that many studious men are now lost to learning, and placed in a false position, by having no scope for their exertions in Oxford, and betaking themselves to a sphere for which they are less fitted,—that of parochial labour.

But the more particular question is, What part Professors may be able to take in *the teaching* given at Oxford?

We may expect their work to lie chiefly with the more able and diligent students, in the later periods of their career, and in investigating such points as Tutors are precluded from doing effectually. The less advanced Pupils (except, perhaps, in the schools of Modern History and Physical Science) need chiefly accurate teaching, and that constant inspection which the *Tutorial* system alone can supply.

combined with Tutorial.

At the same time even the ablest pupils should be only sparingly exempted from their Tutorial work, for experience would prove that in almost all cases, habits of study and accuracy are best ensured by something of drilling, and in these respects a Tutor possesses an authority which a Professor cannot have, and has the means both of ensuring the labour and testing the proficiency of his pupils. But, allowing for this, if a clever man could attend three or four lectures every week, with a Professor, from the end of his first year, it might in most cases be so arranged as that it should fall upon subjects least attended to in his Tutor's lectures, and thus it would be simply a natural complement of his studies in College, and need no more clash with them than a Private Tutor's work does at present, of which indeed it would to some extent take the place.

I cannot foresee any necessary difficulties in working together two systems, which it would be so plainly for the interest of all parties to adjust and combine, and there are many means, particularly by *examination lectures*, in which the Tutors might materially help the work of the Professor. It would, however, be essential really thus to harmonize the systems, for in case of any antagonism, the Tutor's might very greatly frustrate the success of the Professorial plan.

But the system might be easily so arranged, that from the beginning of the second year the abler men should, besides their lectures in College, regularly attend some Professor in Classical and Mathematical subjects three or four times a-week; in subjects of the other schools (which fall less within the province of College lectures), five or six times.

Objections answered.

The objections, however, to the plan merit great attention, as they at least show that there are difficulties connected with it, not indeed insuperable, but real. They are chiefly grounded on (1) the danger of the Professorial system injuring the Tutorial one; (2) of its becoming useless for purposes of instruction; (3) of the great difficulty of giving any really adequate salaries to Professors.

1. Objection of danger to the Tutorial system.

1. I have already mentioned the means by which, as I believe, the first danger would be avoided, and the Tutor's work made more, instead of less, efficient. It would indeed be a great mistake if by a sudden change the Pupil were, in the later period of his career, almost entirely transferred from his Tutor's teaching to that of a Professor. Such an entire transfer of his teaching to another person would be felt to weaken the bond of interest and affection which often exists between a Tutor and his Pupil, which is only felt, perhaps, in the later period of their intercourse, and which is not easily kept up, except by teaching, and the opportunities for acquaintance which teaching brings with it. This connexion between Teachers and their Pupils, may be well looked upon as the very best part of Oxford; and the most efficient side of its system, and to place the third year's teaching almost wholly in the hands of Professors, might unduly weaken it.

The Professorial system must in fact be looked upon as a means of *completing*, and in no sense *superseding*, our present system. If by the number of Professors being made excessive, they were led to take the most important teaching out of the hands of the Tutors, they would fail. The Collegiate system, now indigenous to Oxford, and working, in many cases, very successfully, demands that the Tutors, to whom so much of the direction of their pupils is confided, should retain a large part of the most important teaching in their hands.

2. Objection of uselessness.

2. A very different objection may be made: that Professorial *teaching* will never be really efficient.

This objection is not answered by pointing to other Universities where, as formerly in Oxford itself, the Professorial system is very successful. In such cases Professors are the only instructors; the whole responsibility rests upon them, and their reputation, and most of their livelihood depends greatly on their exertions as teachers. Here, even with the new system, the main responsibility might be still supposed to rest upon the Tutors; and the Professors, if possessed of competent salaries, might be tempted to regard themselves chiefly as literary men, and, giving very few lectures, to sink the character of teacher almost entirely.

There is the more danger of this, because, partly from the teaching of Professors having for more than two centuries been virtually superseded by that of Tutors, and partly from the

wholly inadequate salaries of most Professors, the practice of giving very few (in some cases even no) lectures, has become common; and this, although to some extent excusable now, would, if continued, have quite the opposite effect to that of "rendering professorial foundations available for the instruction of Undergraduates." *Rev. W. C. Lake, M.A.*

The only way of meeting this danger appears to be by introducing something of competition amongst the Professors.

It does not seem either necessary for this purpose, or desirable on any account, that the Professors on each subject shall be *numerous*. It would in that case be impossible (even allowing voluntary fees) to remunerate them adequately, and they would be more likely to clash with the Tutors. There might, however, be two Professors in all the main branches of University study, to be called the Senior and Junior Professor; of whom one should receive 600*l.*, the other 300*l.* a-year, and be further allowed to receive fees for their lectures. These fees should, generally, not be limited, but Tutors should be allowed, in the case of poorer men, to send a certificate which might either entirely or partially relieve them from payment.

There are at present about nine Professorships, which seem, more than any others, important for the studies of Undergraduates.

Moral Philosophy,	Law,
Latin and Greek,	Mathematics,
Logic,	Astronomy,
Ancient History,	Physical Science.
Modern History,	

In about *five* of these subjects *two* Professors would be required, but probably one would be thought sufficient in the rest. With the salary above named, of 600*l.* for the Senior and 300*l.* for the Junior Professor, in the subjects of Moral Philosophy, Scholarship, Logic, and History, the Professors might derive an income, the one of 800*l.* or 900*l.*, and the other of 500*l.* a-year; possibly considerably more. It is, indeed, difficult to form more than a rough estimate of the numbers who would attend these lectures, but taking as the basis of a calculation the average yearly number of Classmen in the Classical Schools (about 120), and remembering that the Professors' lectures would extend over two years, and would embrace many Bachelors, and possibly Students from new Halls, we might calculate (if the system worked well) at least 200 men as the average attendants on the Professors of Moral Philosophy and Classics, and something less on those of History, Logic, and Physical Science. The Mathematics would probably have a much smaller number.

It seems a mistake to limit the Professors in their charges. Let them get as much as they can; it is not likely that men will go to them unless they think their lectures worth the charge; and even supposing that to be as high as 2*l.* a term, (though it is not likely to be more than half,) and that a Pupil attends a course every term, yet his pay for the whole year will be little more than half of what he pays now in a single term to a private Tutor. The poorer men might be protected by a regulation (such as exists in foreign Universities) that such persons, being recommended on this ground by their Tutors, should pay half the usual sum.

No Professor should be a College Tutor, or take private Pupils. The one office would be almost sure to interfere with an efficient performance of the other.

3. Almost the main difficulty of the question consists in suggesting the means by which a salary can be supplied, such as shall induce men of great abilities to forego the prospects which at present often leads successful Students into practical life. With this view, it may not, indeed, be necessary to provide them with a *large* income, but it is clear, on the other hand, that 300*l.* or 400*l.* a-year will not induce or even allow men of high abilities to devote themselves to any employment, however noble in itself or congenial to their tastes. And there would surely be a strange incongruity in paying some Professors 1,800*l.* or 1,200*l.* a-year, and in expecting others to perform more labour for 300*l.* or 400*l.* 3. Difficulty of finding endowments.

Supposing the principle once conceded that some change may be made with regard to the Fellowships, I think the best way of providing for the chief Professors is by assigning to them Fellowships in different Colleges, just as the Canonries of Christchurch have been assigned to the Professors of Divinity.

In many Colleges, chiefly those in which there is a large proportion of Fellows and a small proportion of Undergraduates, a distinct provision has been made for lectures (for some of which Fellowships have been assigned), *to be open to the whole University*. The original payment for such Lectureship may have been small, but so was the original payment both for Fellowships and Tutorships; and on the same principle on which the funds of the latter have been enlarged, it seems but reasonable that such public Lectureship, when needed by the University, should have adequate funds provided by the College. These may be supplied from certain Colleges.

It is, therefore, suggested that wherever such foundations exist, and wherever the College is rich enough to allow either of contributions for the purpose, or of the appropriation of a Fellowship (a case contemplated in many statutes), a Professorship should be established or increased, to be paid partly from the funds already belonging to the existing Professorships, and partly from the Fellowship or other College funds. The income of the said Professorships ought not to fall below 500*l.* a-year.

The effect of this would be to place one Professorship at some of the Colleges where Fellowships are most numerous; and excepting by those to whom any alteration of the funds of Fellowship appears itself an insuperable difficulty, it can hardly be doubted that such an addition would, in all respects, be an advantage to Colleges, by which no loss would be sustained beyond the suppression of one or two Fellowships, whose numbers, whether for pur-

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poses of study or teaching, are more than abundant. At present, in some Colleges, the number of Fellows equals that of the Pupils; at others it is double; at others more than quadruple. In all the Colleges where there is a large number of Fellows this plan might be adopted, on the principle that the diminution of a few out of so many Fellowships can be no injury either to the teaching of the College or to study: and even to the Colleges where the number of Fellows is much smaller, the same rule might be applied (if it were thought necessary), by joining two or three together, and letting them alternately support a Professor.

By such means it would be easy, with little or no inconvenience to any College, to raise the salary of at least 12 Senior Professors, in some cases to 500*l.*, in others to 600*l.* a-year; and these would include all that are most important for the work of the University. The funds of the University press would be sufficient to assign to six Junior Professors 300*l.* a-year each; and from the same source we might hope gradually to raise the salaries of the remainder. In speaking of thus connecting Professorships with College Fellowships, it is not proposed to give Professors houses within the Colleges, or to allow them to retain the names and rights of Fellows after marriage. Such a course would, in both cases, appear inconsistent with the theory and arrangements of the collegiate life and system.

The appointment of such Professors would, perhaps, best be vested in different bodies, such as the Deans and Tutors of Colleges, or a delegacy of about 20 persons, elected for that purpose by Convocation. The Crown would naturally retain the appointment to Regius Professorships, and to any others which it might think fit to found.

There should be no restriction to Oxford men with regard to the person elected. We might lose some very good Professors by limiting our choice to Oxford men, a practice confined, it is believed, to the English Universities, and even there of recent growth; and, on the other hand, the number of such *extranei* is not likely to be large, and some infusion of fresh blood is an advantage to the place.

PRIVATE TUTORS.

Supposing it possible thus to combine the Tutorial and the Professorial teaching, there will still remain a body by whom some of the most important instruction given at Oxford is at present supplied: these are the Private Tutors.

At present, *private tuition* is carried on to too great an extent, though, probably (owing, in fact, to the difference of our studies), it is much less at Oxford than at Cambridge. But it is even here often injurious, both to the Tutor, whose own mind is hurt by the constant process of "cramming" in two or three books, and to the Pupil, whose object is to get a large amount of cut and dried information at the least expense of thought and work on his own part. Besides, private tuition is often resorted to from some real or fancied inadequacy in the public tuition, and then it is a cruel addition to the expenses of poor men.

But, if used in moderation, it is good both for Tutors and Pupils. To the latter it is an obvious advantage to read alone with a sensible Private Tutor, who can understand and enter into his difficulties better than can be done by his College Tutor in a large lecture. His abilities and information are thus tested, and as he works hard (and most men work hard for a Tutor whom they pay themselves) he soon finds out both his own strength and weakness. Standing also on a more familiar footing, and being of a more equal age with his Pupils, a good Private Tutor is often the greatest stimulus to them, as well as their best friend and adviser.

It should be added, that there are some points of teaching, particularly in scholarship, which only a Private Tutor can supply. For clever men often come to College, neglected at school, and very deficient in accurate scholarship and composition: and for such, from the very great amount of time required, their public Tutor can hardly do their work, for they need the constant drill of "five hours a-week at composition," and also a teacher of much skill in this particular branch of scholarship. At Cambridge, where minute scholarship is much more cultivated than in Oxford, this work is done mainly by Private Tutors; and so, I think, in order to be successful, it must be here.

Nor need a Private Tutor's work be injurious *to himself;* unless it becomes excessive and exhausting, it may be the best preparation for later studies. It fixes his knowledge, and obliges him to arrange it, and think it over, for the constant contact with minds but little younger, and perhaps as acute as his own, forces him to face difficulties, and to be clear in imparting his knowledge. I have lately heard young Tutors of ability speak of the first two or three years after their degree as very useful in all these respects. Of course, the very fact that there are many rich men in Oxford who would always go to Private Tutors as a short cut to knowledge and a security for success, would prevent the class from ever becoming extinct, even if it were more injurious than it is. What there is injurious in it—viz. its excess and its expense—might both be checked by the lectures of able Professors, most of which (*e.g.* Logic and Moral Philosophy) would very much diminish the amount of time during which it is now thought necessary to read those subjects with a Tutor.

But I believe that there is abundant place in Oxford education for the three classes of Teachers who have been mentioned; for the College Tutors, as the main instructors and guides of their Pupils; for Professors, as supplying some more minute and profound inquiries; for Private Tutors, as able to give a closer inspection and cultivation in particular cases.

In about five of these subjects two Professors would be required, but probably not in more.

Connected with professorial teaching is a question (No. 12) with regard to the best means of fully qualifying Students in Oxford for Holy Orders, and of obviating the necessity of seeking theological instruction in other places.

With regard to *means* for instruction, none can be conceived more ample than the present. We have five Professors of Theology, and the chairs are largely endowed; that of the Regius

Professor is supposed to be at least 1,800*l.* a-year, so that the present apparatus for teaching will appear complete. *Rev. W. C. Lake, M.A.*

It is difficult to conceive other means excepting those of *exacting* additional attendance, and this (at least beyond the extent to which it is done at present) would be very undesirable, both as increasing expense, and acting as a kind of protective law to the Oxford Divinity Lectures. THEOLOGICAL INSTRUCTION.

Before endeavouring in any way to check Students from resorting to other places, we should remember *what it is* that they seek at other places. This is generally not so much "instruction" as moral training. And to such persons Wells and Chichester are said to supply this excellently, while Oxford could never do so. They are generally not the most distinguished Students who resort to these institutions, but those who either require habits of study, or, having been careless and more or less irregular at Oxford, desire to change their habits and to have a period for quiet thought before entering Orders, and feel, that from the influence of old associations, and, perhaps, of remaining acquaintance, Oxford would be the last place to allow them a fair chance in making the trial. It is the moral rather than the intellectual advantages of the place which such persons seek—the comparative quiet, regularity, and discipline, which are sure to be found in smaller schools of theological study, rather than in the stir of a large University.

Regarded, in this point of view, it is surely hardly possible, either to over-estimate the benefit of separate places for serious thought and study preparatory to entering Holy Orders, or to suppose that Oxford could afford to the same class of men the same peculiar opportunities.

But a very slight alteration with regard to the Theological Lectures, might, I think, materially encourage the study of Theology, *i. e.*, by making some of them *open and suitable to Undergraduates.* Theological Lectures to be open to Undergraduates.

This would assist the theological examination after the Degree, which now scarcely exists except in name. At present hardly any (if any) Bishops require Candidates for Orders to pass through it, apparently from its increasing the time of residence after the Degree. Accordingly scarcely any Candidates ever present themselves. But at Cambridge Undergraduates are encouraged to attend the Theological Lectures; and after the Degree they prepare themselves away from Cambridge for the examination; and thus from no extra residence being required, almost all the Bishops require an attendance at this examination: a large number of the Candidates for Orders go through it, with very good effects (as it is said) upon theological study.

There are, indeed, many of the best Undergraduates who, without much taste for Scholarship, attend diligently to their Divinity Lectures, and who, if some of the Professorial Lectures were adapted to them, might easily commence a course of study before their degree, to be completed afterwards.

It cannot be denied that our present number of Theological Professors is more than adequate to discharge the slight functions at present imposed upon them.

One of the most important subjects to which you have directed attention in the questions you have addressed to many of the Members of the University, regards the means by which its benefits may be extended to a larger number of Students. UNIVERSITY EXTENSION.

You have implied that some such extension is needed,—and I am therefore not called upon to inquire into that point,—but may at once assume that it is desirable to introduce a larger, and as you would appear to imply, a somewhat poorer class into the University.

It is obvious that this cannot be effected without some changes in our present system,—such, for instance, as should largely diminish the present scale of expenses. Now at present no College is able to put it *out of a young man's power* to live extravagantly, although every College is able to put *it in his power* to live cheaply. There are probably great differences in this respect in the economy of different Colleges, but there ought to be no *necessity* for the bare expenses of any young man's whole living and education at Oxford exceeding 70*l.* or 75*l.* per annum; and as an additional 70*l.* ought to cover everything else, there is no reason why a young man should anywhere in Oxford cost his father more than 140*l.* a-year at present,—and if necessary, he ought to live for 100*l.*,—a sum indeed for which men have been known to live and enjoy all the advantages of society with no remarkable effort. Why then is it that at many, perhaps at most Colleges, 200*l.* a-year is generally considered almost necessary, and 250*l.* or 300*l.* are the more usual allowance?

It is partly because the parents of these young men are themselves in easy circumstances, and have not brought up their sons in economical habits,—and partly because at most Colleges rich or extravagant young men give the tone to society, and tempt others to spend by their example.

Although, then, much may be done towards still further retrenching our expenses in Colleges, and encouraging even there habits of moderation, it may well be doubted whether it is desirable or even possible to mix up a much poorer class with the essentially richer one within the Colleges themselves.

For the introduction of such a class into the University *three* methods are suggested in your letter.

Of these the establishment of new Halls, particularly in connexion with the Colleges, appears most likely to be successful, and most free from objections.

My opinion is that every College in the University should contribute towards the support of a Hall,—to contain, where the Fellowships at the College are small in number or moderately endowed, *ten* Students, but whose numbers would increase in proportion to the numbers or wealth of the Fellowships. The College would of course be put to some expense by this plan, but this would be very moderate, probably not more than 100*l.* or 150*l.* a-year for every ten Affiliated Halls the best plan.

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Students; and it would be an expense strictly in accordance with the object of the original foundation, which was meant to educate the poor rather than the rich, and with the spirit of many statutes, which enjoin an increase of the Fellowships upon their increase in wealth.

Taking the smallest kind of Hall as a standard, and supposing the College to give 100*l.* to a Principal, and to let the rooms at a remunerative price, it would not be difficult to afford all the requisites for the best education at about 45*l.* a-year.

Expenses for each Member.

Expenses of board for 27 weeks	£17
Rooms	5
Principal	5
Servants	4
Washing	3
Various house expenses	4
University dues	2
Professors	6
	£46

The main instructions of such Students would perhaps be derived from the Professors, but they would be superintended, and receive some Lectures from their Principal, and it might be easily arranged that they should attend several of the College Lectures.

It is perhaps unnecessary to go into minute details, which may have been supplied by others, but considering that most Colleges possess available land in Oxford, and that in some respects (*e. g.* the kitchen arrangements) the economy of a College would assist the hall, it appears probable that an expense of 100*l.* or 150*l.* a-year on the part of the College for each ten Students would be sufficient; and I am sure that a very moderate income would induce a Vice-Principal to undertake an office which, with equal interest, would less absorb his whole time than that of a Tutor.

The great advantages, in my opinion, of such a system of extension above any other are, that while it would supply cheap living and the best kind of instruction, it would not offend that principle of Oxford education which is the good genius loci—discipline within the walls of College, and a close connexion between Tutors and Pupils.

The class of persons whom such an extension of our present system would affect, would not indeed be the poorest class, for a Student in a Hall could not live under 70*l.* or 80*l.* a-year at the least; but even this would give a University education to a poorer class of persons in a respectable position in life who are now debarred from it. Such Halls should be separate from Colleges; the very difference in the style of living, which should be under more strict regulation in the Halls, where the meals should be in common, would to a great extent effect this; while, on the other hand, if a Hall were well managed, and its members distinguished, there would be no unpleasant feeling of inferiority.

Independent Halls.

Besides Halls in connexion with Colleges, the Vice-Chancellor might be empowered to give permission for the establishment of independent Halls. It does not indeed seem likely that many such could be successfully undertaken, because those in connexion with Colleges ought to be far cheaper; but it is very conceivable that by persons interested in education one or two such foundations might be established by subscription, which should give the best kind of education at a rate even cheaper than that drawn out above. It is no fair objection to such bodies that they are not likely to be permanent. For even supposing them to fail and be shut up after twenty years of labour, we have still the good that they *have* done; and these fluctuations of success and failure are quite inherent in the nature of such bodies, which must depend for their position on the character of their President and not on a connexion with any other body.

Lodging out of College.

2. Your next inquiry is with regard to the desirableness of "allowing Undergraduates, *who belong to Colleges*, to lodge in private houses more generally than at present."

The only result of this would be to increase the numbers of each College according to the present system. The expenses would not be at all diminished by this change. And considerable harm might result from taking Undergraduates away from College either on their first coming up, or at the end of their second year. It would both increase the temptations and diminish the safeguards of a Freshman, and it would much lessen the influence of a Tutor over his older pupils, and that at the very time when they were most likely to listen to him, and when the best of them were beginning to influence others.

Lodging in private houses, without connexion with Colleges, under due superintendence.

3. The third proposition implies a wide extension, and indeed alteration of our present system. You ask, "Whether it would be desirable to allow Students to become Members of the University—under due superintendence, but without the expense of connexion with a College or Hall?" Such a plan, if adopted, would embrace of course two classes,—one of poor Students who *cannot* at present *from poverty* belong to Colleges,—and another of persons who *do not wish* to belong to Colleges, because they or their parents (from whatever reasons) may dislike the system pursued there.

These two classes are distinct, and it is probable that the latter would be quite as numerous as the former. We should find among the *lodgers* in the town a certain number of poor Students, but we should probably have more rich ones; some whose parents have real objections to the system of College teaching—others who wish to live under less restraint.

Objections to this plan.

Over either class I believe that it would be found impossible to exercise any "*due superintendence*;" and without being insensible to the advantages of an extension which might open the teaching of Oxford to almost all classes of the nation, I fear that by adopting it we should

introduce a system and principles of education inconsistent with our present, and incur the danger of a great increase of immorality. *Rev. W. C. Lake, M.A.*

For (1) all these persons would live and be educated here in a manner not only unlike, but inconsistent with, the principles of all our present education. Thus with regard to religious teaching we might *enjoin*, but it would be very difficult to *enforce*, atttendance on the lectures of the theological professors; nor could such persons be obliged to attend regularly any daily worship. Being entirely separate from Colleges, they will be subject to no influence or authority of Tutors or any similar body, and to no other discipline than that of the Proctors. They will indeed have little or no connexion with any Teachers beyond their attendance at a Professor's lectures, and excepting this, will be left almost wholly to themselves. Any system of superintendence, either morally or intellectually, would be (as far as I can judge) impracticable.

2. Great additional opportunities would be given for immorality from so extensive a practice of living in lodging-houses, especially when we remember that this new class will be a very mixed one, and by no means consist of poor Students working for their bread. The somewhat similar practice at Cambridge of allowing Undergraduates to reside in the town, is said to produce a great deal of such immorality (particularly among female servants), which is believed not to exist to nearly the same extent in Oxford. And we must add that the case of this new class would be, in many points, more disadvantageous than that of Undergraduates lodging out at Cambridge, where both the houses and the young men are under control and discipline of the College, which is likely to be more vigilant than that of the Proctors.

Various means have indeed been suggested by which a due superintendence might be exercised, such as that of Tutors presiding over a large lodging-house, or Masters of Arts whose business it should be to make occasional visits. But these, when examined, either mean the same as a Hall with its increased expenditure, or no real superintendence at all. Now many men of character would preside over a Hall, where they would have a respectable position, and a moral and intellectual connexion with their Pupils, but very few, I believe, would be found to direct a lodging-house, and still fewer engage for a small stipend to make a certain number of domiciliary visits of inspection.

Great as are the advantages of a scheme which, by exceedingly reducing the *necessary* expenses of education, would open Oxford to all, and thus tend to make it more national than at present, to extend its influence through every class, there appear so many dangers in such a thorough revolution, that I would rather see it reformed on its old system,—I mean that of Colleges and Halls.

At the same time an extension of a practice already existing at Worcester Magdalen, Hall, and elsewhere, might be very beneficial, viz., that of allowing men *of older standing* to lodge in the town with little or no connexion with College. The objections against men residing in lodgings freed from control arise chiefly from their youth. Any one above five-and-twenty might be allowed to reside here unconnected with either College or Hall, and (as in the case at Cambridge) to pursue his education at intervals. Such a plan might meet the wants of many poor Students. Not applicable to older men.

RESTRICTIONS ON FELLOWSHIPS.

As the existing limitations in the election to Fellowship are very different in different Colleges, they might be expected to produce, and apparently do produce, very various effects.

Some Colleges are entirely, or almost entirely, free to elect as Fellows whoever they consider the fittest persons, without reference to any other point than their fitness. This is the case at Balliol, Oriel, Merton, All Souls, and with several Fellowships at Exeter.

At others, again, the election to Scholarships is open, and the Fellows are generally (though not exclusively) selected from the Scholars. Such is the case in some degree at University, and at Trinity and Wadham.

The above-mentioned are, speaking generally, the most open Colleges in Oxford; in almost all the rest, partly by statute, but sometimes only by practice, both the original choice of the Scholars is limited, and the Fellows are only elected from the Scholars.

The effect of all such limitations appears to be injurious to study, by taking away an important stimulus, both from those who possess the certainty of succeeding to Fellowships, and from those who (by reason of the small number of open Fellowships) have no chance of doing so.

Evils of such restrictions.

This injurious effect is doubtless diminished when the original election to *Scholarships* is open, and the chances of succeeding to a Fellowship are dependent upon diligence; but if we take the University distinctions obtained by holders of the *closest* Fellowships, and compare them with those of the more open Fellowships, it will seem clear that the tendency of the former is very adverse to academical study; and such honours, though a poor measure of a man's capacity and learning in after-life, are a very good one of his diligence and ability in his University career.

1. In the case of Fellowships to which the succession from a Scholarship is almost sure, an injurious effect might be often anticipated even in cases where the election to the Scholarship itself is free, but far more so where that election is confined within the narrow limits of a county, or is decided by relationship or interest.

In these latter cases, a young man, originally not the most "towardly for learning" is selected, and almost all stimulus to exertion is then withdrawn from him by his being virtually told that he has a provision for life. Morally or intellectually, such a position *must* be, in most cases, and *is known to be*, injurious, equally to the cause of learning and to the possessor himself.

It is willingly conceded that some of the best and ablest men in Oxford are, and have been, the tenants of close Fellowships. But it is no fair argument to point to the stronger few who have survived an injurious process as a proof that the process itself is invigorating.

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2. Another effect of so many Fellowships being withdrawn from general competition is to deprive many students of any stimulus or definite object for their work, by not holding out to them any fair prospect of a position and competence which would enable them to carry it on. The number of completely open Fellowships is very small, and comparatively few can propose these to themselves as their object. Many men of talent therefore leave the University, where they would wish and are well fitted to remain and study, and it is known that some of our ablest men have only been preserved to Oxford almost accidentally, by some Fellowship falling vacant after they had remained for years unprovided for.

3. Close Fellowships must obviously tend to injure the character of the education given in their Colleges, many of the educators being necessarily selected from that body which is generally unsuccessful in the schools. It would accordingly be found, that generally a much smaller proportion of Pupils obtain distinction from the closer Colleges than from the more open ones.

Means of removing them.

The question of the Commissioners is limited to the *effect of the present system*, but it may seem desirable to allude to the means by which it has been proposed to amend it.

The following three appear to be the only methods which can be suggested:—

1. To retain indeed the strictly statutable limitations in the election to Fellowships, but to guard against any abuse by *enforcing a more efficient inspection by the visitors.*
2. To throw open the Fellowships *considerably but not entirely*, retaining many of the Founders' injunctions, and endeavouring while departing from their strict letter to act in accordance with what we may believe to be their spirit.
3. To open the Fellowships entirely, or with only a *cæteris paribus* preference to candidates from the Counties selected by the Founder.

Visitation.

1. With regard to the first plan no visitatorial inspection could remove the hindrances to education and study arising from the very nature of close Fellowships; and the absence of a stimulus to the expectant Professors themselves, the withdrawal from general competition of what ought to be a prize and encouragement to hundreds, are evils which seem so greatly to diminish the efficiency of Oxford, that (unless it can be proved actually *wrong* to make a change) we ought, in my opinion, to attempt to do so.

Partial removal of restrictions.

2. The second course might be adopted by amalgamating the county Fellowships in every election, so that, whereas the present rule is, that a Fellowship should be given *alternately* to each county, it shall henceforth be open to *all* the counties, specified in the Founder's will, collectively. This would have the effect of opening many of the closer Foundations very widely, and might be regarded as approaching to the intentions of the Founder, though it would not satisfy those persons who believe it to be wrong or inexpedient to contravene his actual directions.

It cannot however be doubted that most Foundations in Oxford have, during the last two or three centuries, deviated habitually from many points prescribed in their statutes. This is not urged as a ground of blame; it may often have been necessary and desirable; but it is a fact.

Complete removal, with a *cæteris paribus* purpose.

3. The best course upon the whole seems that of generally throwing open all Fellowships, retaining a *cæteris paribus* preference for natives of the places specified by the Founder. This change would undoubtedly be a great one, and the obvious objection is, that it appears wholly to disregard Founders' wills;—but feeling convinced that Founders' wills *have* practically been disregarded already, and that to retain them in this point diminishes the efficiency of Oxford in all points of view, both as a place of education, learning, and in its connexion with the Church, I should not hesitate to wish for a change, which, while most beneficial to education, would really, when examined, appear to answer (as far as we can judge) what may be supposed the objects of the Founder. *Scholarships*, with such a probable succession to a Fellowship as a *cæteris paribus* preference implies, would appear to be a far greater boon to a county than a secured Fellowship, known to depend on no exertion, and whose value affords constant temptations to make it the heir-loom of a family or connexion.

Scholarships.

In most cases, therefore, where Fellowships are opened, *County scholarships* should be retained, though, if possible, every College should mix *open* scholarships with its *close* ones, as is now done at University and Exeter.

By such a plan the County contemplated by the Founder would retain the advantages of its *Scholarships;* and this would, in reality, be a greater benefit than that of close Fellowships. The Scholars would have the stimulus (the want of which now operates so badly) of a probable after-competition for their Fellowship. And they would besides have the advantage of a *cæteris paribus* preference, an advantage far from nugatory when we remember that, having been Scholars of the College, they will be well known, both in character and ability, to their Examiners.

By such a plan, leading, as in all probability it would do, to the *frequent*, although not *necessary*, election to Fellowships, of men who have held county Scholarships, it seems likely that the object of the Founder would be quite as much answered as by the present practice, while the interests, both of learning and of the University, would be immeasurably advanced by it.

Exceptions.

Some exceptions, it would however seem desirable to make, *e. g.*, in the case *where Fellowships are attached to the great public schools*, as at New College, and the Westminster Studentships of Christchurch; but in these cases it would seem natural to throw the election to Fellowships open to *all* the members of the school. I would venture to add, *from either* University, a practice in accordance with that of the old Universities, and of all existing ones,

except Oxford and Cambridge, and of which there are not unfrequent precedents and examples at present. *Rev. W. C. Lake, M.A.*

With regard to any minor alterations, such as considerably reducing the number of Fellowships and changing them into Scholarships, or limiting the period of their tenure, all such appear to be extremely undesirable. One or two great but simple changes seem to be all that is needed to enable the University fully to carry out those schemes of improvement which are already almost everywhere at work. To enter into numerous *details*, even if they be improvements, would appear to involve a false principle; it is to enter on a province which belongs to the University, and may be justly open to the charges of invasion and interference.

Any large diminution of the number of Fellowships appears to be very undesirable, (1) because the mere number of the Fellowships, connecting Oxford with the whole of England, is an important element in its greatness; (2) it would be unwise to diminish a body of men of whom many are devoted to learning and study, as distinct from education alone; (3) it is most undesirable to deprive Oxford of that element which has specially connected it with the Church and with theological study.

The greatness of Oxford would, as far as I can venture to judge, be much diminished by any measure tending to limit it to its solely educational functions.

With regard to the "present restrictions on the *tenure* of Fellowships," they arise from the necessity of celibacy and of entering Holy Orders after a certain time. Restriction of celibacy.

1. With regard to the former, considering the present Collegiate system of education, the moderate value of most Fellowships, the advantages to a College of the Fellows living constantly together, and the importance of a tolerably rapid succession, few will probably doubt, that to remove this restriction would change the character of the place and diminish its educational efficiency in every respect.

2. The obligation to most Fellows to enter Holy Orders after *six* or *seven* years, appears also to be beneficial. It ought not perhaps to apply to all Fellowships, and as at Merton and All Souls' there is no such restriction, while at Oriel, University, Christchurch, St. John's, Magdalen, New College, and Wadham, there are some lay Fellowships, so it seems desirable that one out of every 8 or 10 Fellows should be a layman in every College. This would allow men of ability, who have a taste for study or education, to remain here as Fellows, and would not tempt them into Holy Orders, without the prompting of their wishes or conviction. Restriction of Holy Orders.

But in support of the general rule, it must be remembered (1) that it is in accordance with the close tie which, from their earliest foundation, has bound the Universities to the Church; (2) that many of the Fellows are to be Educators, and that, in their case, it is generally recognised (as at the public schools) that they should be chiefly clergymen.

I will conclude these remarks by a reference to two points of great importance to the University—expenditure and discipline. With regard to the first, I have already admitted that it is impossible, wholly or nearly, to control the expenditure of young men of fortune, or of expensive habits contracted at home, and that the example of such persons in a mixed society must be often a temptation which others will not resist. But as, on the one hand, Colleges may do much by repressing extravagance in furniture, entertainments, &c., so I think that the Heads of Houses might do more as a Board, by carrying out a few strict rules; such as investigating any notorious case of expense, and *discommoning* a tradesman who encouraged it. But this subject, which seems to me a very important one, I leave to others whom I know to be more conversant with its details. With regard to the *discipline* of the University, I cannot but think it in one or two points very defective. I am far from thinking Oxford *comparatively* an immoral University. Difficult as it is to judge on such a subject, most of the opinions I have heard from competent persons tend the other way. But (1), the present system of *Proctors* might surely, *viewed as an instrument of discipline*, be very much improved. They are appointed for one year only, being sometimes incompetent persons; and even where a Proctor is most able and energetic (as happens once or twice in ten years), he has just time thoroughly to learn his business when his year is over, and he retires; and then the chances are that a negligent Proctor in the next year undoes most of his predecessor's work. The *annual system* seems to me very objectionable, and equally so the system of not appointing a man *especially for his fitness*. And until this weakness in our means of enforcing discipline is altered, I believe that a good deal of immorality of one sort or other must escape detection. But (2), some laxity of discipline exists which is a real scandal, and ought not to continue in Oxford. It may be desirable that there should be a *locus pœnitentiæ* among us for young men, whom the stricter Colleges cannot retain on account of faults, which are not of the worst kind; but it is surely a great evil that any College or Hall should have even the character of being a *locus licentiæ*. And certainly, more than popular report asserts, that men are often received elsewhere when they may have been sent away from their former College for very great immorality, and that in their new abode they have an extraordinary amount of *licentia*.

Discipline.

Evils of the present system of Proctors.

Evils of lax discipline in a Hall.

W. C. LAKE.

Rev. E. A. Litton, M.A.

Answer from the Rev. Edward Arthur Litton, M.A., late Fellow of Oriel College, now Vice-Principal of St. Edmund Hall.

Sir,

In endeavouring, by way of reply to the questions proposed in your Circular, to make such observations on the state of the University as may occur to me, I must premise that, owing to the shortness of my official residence at Oxford (only three years), my knowledge of the system in some points, such as the power of the University to repeal or alter statutes, and the system of University accounts, is too defective to enable me to suggest anything likely to be of value. My remarks therefore will be confined to such leading points as any member of the University may be supposed capable of forming a judgment upon. Moreover, having already expressed my opinion in a public manner, upon the general system of education pursued at the University, I presume that it will be sufficient, in reference to the points upon which my sentiments are before the public, to refer to the pamphlets alluded to; especially as I have taken the liberty to transmit a copy of them to each of the Commissioners.

Expenses

1. The first question proposed, viz., the possibility of diminishing the expenses of a University education, &c., opens up a subject of great importance indeed, but very difficult of solution. I suppose that upon the fact, that the expenses of passing through the University are much too great, no difference of opinion exists. It does indeed seem a thing urgently requiring reform, that 200*l.* per annum should be, as a general rule, the income which is thought necessary to enable a student to maintain his social position in the principal colleges. For it is obvious that such an outlay of money for nearly four years is beyond the means of all but the wealthier classes of the country, so that the University becomes virtually inaccessible to the mass, and so far, ceases to be a national one.

And yet I must acknowledge myself at a loss to suggest a sufficient remedy. With respect to the expenditure which is absolutely necessary on the part of the student, I presume that, at least in all the well-conducted Colleges, it is as low as it well can be. Indeed I have always thought that the fees for tuition are fixed at a lower rate than is advisable even for the interests of the students themselves. It is often found in parochial schools that when the weekly school-wage is fixed at a very low rate, it produces negligence upon the part of the parents as regards the regular attendance of their children at school.

My impression is that the evil in question can only be attacked in an indirect manner. We cannot enact sumptuary laws for a University as we can frame them for a school; and it is doubtful whether if we could enact them it would be advisable to do so. We should thus sacrifice what appears to me one of the chief characteristics of University training, as contrasted with that furnished by a school, viz., the habituating young men to think and act for themselves according to the dictates of prudence and sound moral feeling. Unless we exclude the sons of the nobility and wealthy commoners altogether from the University, we cannot prevent considerable differences in the style of living, and therefore expenditure, of the students. The only really effective check upon extravagance is one which it would be impossible to adopt in the University, viz., that the authorities should, as in the case of schools, provide everything which they consider necessary for the student, sending their bills in directly to the parents, and at the same time, make a regulation that no student should be entrusted with more than a certain sum for his own private purposes.

to be restrained by indirect means.

But an evil which it is impossible to assail directly, it may be possible to reach by a circuitous course. In the present instance much good might be effected by—

In the first place, urging upon parents the folly of making such large allowances as they sometimes do to youths who cannot be expected to make a proper use of the means placed in their hands; and the duty of instituting strict inquiries, from time to time, into the state of their sons' affairs. The problem of diminishing the expenses of the University is one in the solution of which the parents must perform an important part; a circumstance which, unhappily, makes this department of reform more difficult to deal with than any other.

Secondly, by investing the office of College Tutor with more of the character of general moral superintendence, and less of that of mere intellectual instruction. Of all the deficiencies in our College system, none has ever appeared to me greater than the want of, what may be called, a pastoral relation between the students and some one or more of the College authorities; a relation of that friendly, interior character which exists between a pastor and his flock. Perhaps the office of Dean might be so modified as to supply the deficiency. But if the distinction which I believe prevails at Cambridge, between Tutors and Lecturers, the former being charged more with the general moral supervision of the students, the latter being more engaged in the actual work of instruction, were generally adopted in Oxford; the office of Tutor might, I think, be turned to great advantage in controlling the students' expenses.

Thirdly, by placing the relation of the privileged tradesmen of the University towards the Colleges on a better, a more formal, footing. I cannot see what hardship there could be in requiring every such tradesman to furnish a terminal account to the Head, or Dean, of each College, of the expenses which each student has incurred at his shop. A tradesman who sets up business in Oxford is well aware that he occupies a peculiar position, different from that of the same class in other localities; and if he enjoys certain peculiar advantages of which his brethren elsewhere are destitute, I cannot see why he should not be placed under peculiar restrictions which elsewhere would be out of place. It is evident that a terminal return of this kind would effectually check, if not the commencement, yet the continuance of a course of extravagance.

Fourthly, whatever alterations might be made in the present system, having a tendency to do away with the necessity of private tutors, would indirectly affect the expenses of the student, especially of those who are candidates for honours. The necessity which may now be said to

exist, of reading with one or more private tutors, during at least the last year of the student's residence, if he would obtain a high place in the class-list, imposes a heavy additional burden upon his finances. *Rev. E. A. Litton, M.A.*

Lastly, it appears to me that any arrangements by which the number of students at the University might be increased, such as, for example, the opening of new Halls, would, in an indirect manner, affect the general rate of expenditure. On this point I beg to refer the Commissioners to a few observations which I offered in my "Letter, &c.," p. 56. The high scale of expenditure at Oxford is quite as much owing to the absence of those who ought to be at the University as to any other cause. Not being able to obtain there any introduction to their professional studies, the great majority of youths intended for the professions (those destined to the clerical function excepted), abandon the idea of passing through the University, and thus leave it to become the resort of a picked body of youths whose average means are very large. This evil is of course increased by the insufficiency of the present Colleges and Halls, as regards accommodation. If by any means a large influx of students of moderate means (say 150*l.* per annum) could be produced, the general level of the expenditure would, I apprehend, at once fall; and, the poorer students constituting the majority, the singularity of poverty would be done away.

These are the principal thoughts which have occurred to me on this topic. I have heard the proposition discussed at Oxford, to establish separate Colleges or Halls expressly for poor students; the manner of living, &c. being such as to suit their means; but I cannot say that this plan has ever appeared to me to be a good one. The inevitable effect would be to place the said Colleges and Halls under a kind of social ban, thereby increasing the feeling of caste, too much of which already exists at Oxford. My belief is, that sumptuary reforms to be effective, must assume the character of natural results, and that they cannot be forced. It should be the aim of measures directed to this end, to make it a natural and customary thing, that the expenses of ordinary students should not exceed, say 150*l.* per annum.

Nos. 2 and 3. Upon these points I feel myself, from the insufficiency of my acquaintance with the powers possessed by the authorities (I presume the University authorities) to enforce discipline, and by the University to make, repeal, and alter statutes, unable to offer any remarks likely to be useful. As regards College discipline, where the Head and the Tutors act in unison, and have mutual confidence in each other, it appears to me that an adequate power of enforcing discipline exists. DISCIPLINE.

Nos. 4 and 5. I take these two numbers together, for, in reality, they are but parts of one most important subject—the general government of the University. Upon a particular topic connected with this subject, viz., the present constitution of the Hebdomadal Board, I have offered some remarks in a "Postscript, &c.," pp. 80—83, to which I refer the Commissioners. Upon the general question I entertain a very decided opinion. I have no hesitation in avowing my belief that the general backwardness which Oxford has, for a length of time, exhibited to introduce the most needful reforms, has arisen very much from the excessive closeness and uniformity in the constitution of its government. I hope it will not be thought disrespectful to any members of that learned body, the heads of houses, if I observe that the mode of their election (by the Fellows of each College) is not such as affords any guarantee that the choice will fall upon men of enlarged and comprehensive minds: but even if such were always the case (and I acknowledge that it often does occur), I cannot think it a judicious arrangement that the government of a great University should be in the hands of a body of men belonging to one rank and representing one interest in the University, viz., that of the Colleges. Only let us conceive what sort of government we should have in the State were our present constitution of Queen, Lords, and Commons to be superseded by a single Chamber of the Lords! Yet, the administration of Oxford is of this exclusively oligarchical character; for the proctors, being themselves identified with the College interest, form no counterbalancing weight. I cannot express how much I feel the importance of introducing a new element into the government of the University. Had the Professors, or delegates of their body, possessed the right of assisting at the deliberations of the Board, is it likely that we should ever have seen trace after trace of her *University* character disappearing from Oxford, and the University becoming little more than a cluster of public schools? I cannot myself think so; nor do I see any hope of a future enlightened administration of the University, unless a change be made in the constitution of its governing body. CONSTITUTION. Evils of Hebdomadal Board.

It is not that the heads of houses, either as a body or as individuals, can be thought capable of deliberately sacrificing the interests of the University or of the public to those of the Colleges, but that all Corporations naturally and insensibly move forward towards their own aggrandizement. There can be no doubt that in all their measures, whether of adopting or rejecting proposed changes, the Members of the Hebdomadal Board have been actuated by the purest motives, the sincerest desire to promote what appeared to them the public good; nevertheless the result, in the lapse of time, has been the complete swamping of the University by the Colleges. So it ever has been, and ever will be, when an administrative Board is composed of persons representing only one interest. By a slow, but sure, process, such a Board will grow into a habit of regarding the particular interest which it represents as the only one to be attended to.

In the present instance, the remedy appears to me to be equally simple and easy of adoption. Let delegates from the professorial body be admitted *ex-officio* Members of the Board, and we at once have that element which is now wanting. At the same time, let the present monopoly of the office of Vice-Chancellor be done away, and let that functionary be eligible from among the Professors as well as from among the heads of houses. Whether the office should be strictly elective, or devolve, as at present, by rotation, appears to me to be a matter Proposed admission of Professors.

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of subordinate moment. Care, of course, should be taken so to proportion the number of the Heads to that of the Professors on the Board as that neither party should be capable of overpowering the other.

Were these changes introduced, the question concerning the appointment of the Proctors would, it appears to me, lose its importance. Of course, as a general principle, the more offices of this kind are thrown open the better: but with a professorial element in the constitution of the Board, and the office of Vice-Chancellor thrown open to the Professors, the privileges of the Proctors would be of less moment than they now are. It appears to me, however, that the powers of Convocation, in relation to measures proposed to it by the Board, urgently need revision.

University Extension.

No. 6. Upon the two first proposals contained under this number I have expressed my opinion at p. 56 of "a Letter, &c.," and p. 70 of "a Postcript, &c." The desirableness of an extension of the benefits of the University to a larger number of Students than at present partake of them appears to me to be the one point upon which all parties, or nearly all, are agreed.

Lodging-houses.

The two last of the suggestions under this number deserve serious consideration. I am not certain that I clearly understand the case supposed in (3). A Student to be educated at Oxford without connexion with any College or Hall must, I presume, be supposed either to live with his parents or other friends, or to lodge in a private house. If the latter be the supposed case, I confess I think that it would be better and more economical, in every point of view, that the Student should be connected with a College or Hall than be left to the mercy of a lodging-house keeper. If the former be the case which the Commissioners have in their mind, while I see no objection to a Student's living with his friends, and attending College or professorial lectures, it appears to me that the instances are so rare in which the case can arise, that it is hardly worth while to discuss it. I mean that it is very seldom that a Student's parents or friends can take up their residence in Oxford for the purpose of affording him a home.

Objections.

It appears to me that the lodging-house system, unless under due control and superintendence, is liable to serious objections. But suppose that licensed houses of this kind, under University control, were established, in which Students might prosecute their studies without connexion with any College or Hall, yet where are they to find instructors? Who is to guide their studies? Perhaps the Commissioners mean that such Students should be permitted to attend the lectures in some College; but would any College be likely to allow young men who have no connexion with the Society to attend the lectures of its Tutors?

On the whole, (3) appears to me the least feasible and promising of all the suggestions. New Halls, or lodging-houses in connexion with some College or Hall,—these appear to me to be the only means of University extension which can secure the advantages *both* of the tutorial and the professorial plan of instruction. Perhaps, however, the Commissioners contemplate in (3) the case of a Student designing, as supposed in (4), to attend only professorial lectures, which leads me to make some remarks on (4).

The suggestion thrown out in this subdivision has often occurred to myself, and I think it deserves every attention; at the same time, a clear understanding should be arrived at respecting its nature and conditions.

Attendance of strangers on Professorial Lectures.

Are the persons contemplated in No. (4), viz., persons attending professorial lectures only, without any further connexion with the University, to be thereby entitled to University privileges, *e. g.* a degree (of course, supposing that their attainments justify the distinction)? Are they to be eligible to Fellowships and University offices in general? If this is what is intended, the suggestion amounts, in my opinion, to a complete revolution in our University system, whether for good or for evil. The effect of such a measure would, as it appears to me, be to undermine, slowly but effectually, the present College system, and to assimilate Oxford to the Scotch and Continental Universities. I am not deciding whether this would or would not be an improvement; I merely state what, as far as I see, would be the inevitable result.

Let us take, as an instance, the theological faculty. Would it be possible for a Bishop reasonably to refuse Orders to a person who (his general scholarship being supposed sufficient) had attended for two or more years the lectures of the Theological Professors, and possibly distinguished himself in Theological Science? I think not. If, as at present, 12 lectures are thought sufficient to qualify a man for Orders, with what face could they be refused to those who had devoted a couple of years to theological study at Oxford, merely on the ground that they had had no further connexion with the University?

This being, as I presume it will be, admitted, would not the vast majority of Theological Students avail themselves of the change? and without undergoing the heavy, and to them in that case unnecessary, expense of a *College* education, transfer themselves at once from school or private tuition to the professorial lectures, as in Scotland and in Germany? I have no doubt myself that such would be the result of the measure. Parents would ask, "Why send our sons to College, when it will do equally as well, as regards their future prospects, to keep them at school or at home under private tuition until they are of the proper age, and then send them for two years or so to study under the Professors?" I can only say that, if I had a son destined for Orders, and were such an alternative open to me as that suggested in No. (4), I would gladly accept it, and spare myself the heavy burden of the present College system. I would instruct him myself, or get him instructed, in general scholarship, and then send him to the University to obtain, as surely he would do, his title to Orders by attendance on the professorial lectures in Theology. Now, when we consider that Oxford must, under any circumstances, be content to be chiefly a University for the clerical Order, the effect of the

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proposed measure upon the *Colleges* may be easily estimated. My impression is, that in the lapse of a few years there would be very few Undergraduates in them.

If the object be to revolutionize the present College system, no more effectual means to that end could be devised: On the other hand, if we put the Colleges and their interests out of view, no greater boon could possibly be bestowed upon the country than to make University privileges attainable without the necessity of a College residence. What a relief, for example, to the poorer clergy! The expense of a University preparation for the clerical function would be reduced fully one-half. Again, what a vast influx of Students would probably result from such a change. So tempting are these inducements that one is almost inclined to say, "Adopt the regulation whatever may be the effect of it on the Colleges! Let private interests yield to the public good. If I can procure for my son as good a groundwork of general scholarship elsewhere as at Oxford, why should I be compelled to send him for three years to College to study Latin and Greek, or else (if I do not choose to incur this heavy expense) to forego the advantages to be derived from the lectures of distinguished Professors? General scholarship I can obtain anywhere; the lectures of eminent Scholars and Philosophers I can only obtain at the University." A University examination (or more than one) might be imposed upon such Students to test their proficiency in general scholarship.

These considerations show that (4) if substantial privileges are to be granted to mere professorial Students, it involves most important consequences. The value of a B.A. degree would be much less than it is now, except in the instance of those who intend to adopt the profession of schoolmaster. In short, the measure, as appears to me, would amount to a substitution of the professorial for the tutorial system. Perhaps I have gone too far in saying that few Undergraduates would remain in the Colleges; but I cannot doubt that a serious change in the present system would take place.

But if the suggestion in (4) merely amounts to this, that persons should be admitted to professorial lectures, not, however to become entitled to a degree, or University privileges, by such attendance, but merely for the sake of their own improvement, (as in Germany for example, any one may attend the Professor's lectures, without further connexion with the Universities,)—then it is a question, whether there exists any restriction which prevents our Professors from admitting persons unconnected with the Colleges to their lectures. Are the Professors precluded from admitting all but those who have taken a B.A. degree? On this point I am not sufficiently acquainted with the regulations of Oxford; but if no such restriction exists, persons may now attend professorial lectures as supposed in (4).

If such restrictions do exist, it would no doubt be desirable to remove them, and so to make the lectures of distinguished Professors accessible to any persons, even foreigners, who might wish to attend them; but I confess, I think, that unless some substantial privileges, such as a degree, were connected with the supposed attendance on the Professor's lectures, very few, in the present commercial age, would avail themselves of the permission.

Nos. 7 and 8. These numbers may be considered as belonging to one head.

MATRICULATION EXAMINATION.

It appears to me most desirable that there should be a University examination previous to matriculation. As matters now stand, no uniform standard prevails as regards the measure of attainment required of candidates for admission to the University; and thus admission into one College is more easy of attainment than admission into another. This appears to me to be an anomaly, requiring reformation. Matriculation (I mean the attainments necessary for it) should be as much a University matter as Degrees are; whereas now, the mere form excepted, it is a College affair. My opinion is, that the examination for entrance should be a public one, and conducted by public examiners.

Upon the other points suggested in these Nos., I have already expressed my sentiments so fully in the pamphlets alluded to, that little need be here added. I have only to repeat what I have already said, that unless the time required for the first Degree be abridged, say to two years, and professorial instruction, with a view to preparing the student for his future occupation, be engrafted upon the present tutorial system, as a distinct branch of the academical course, no real reform of our Universities will have been effected. As regards the clerical office especially, I cannot but apprehend that, unless a change be made, the country will before long require our bishops to assign a reason why they should insist upon a University Degree, as a qualification for orders, when the attainment of such Degree involves no special preparation for the clerical office. In fact, the absence of any efficient course of theological training at the Universities, which profess to feed the ministry of our church, is a crying evil, which nothing but the acquiescence in anomalies, characteristic of the people of this country, could have suffered to remain. It is not too much to say that there is no country of Europe, Protestant or Romanist, in which so anomalous a state of things exists; every church, Lutheran, Reformed, or Romish, but our own, provides that her ministers shall undergo two or three years of theological study and preparation before they enter upon their office.

THEOLOGICAL INSTRUCTION.

The remedy for this defect I have pointed out in the publication alluded to.

On the point of providing retiring pensions for superannuated Professors, there can be no doubt that nothing can be more desirable. It is a pity that when the faculties fail, a meritorious servant of the public should not be able to fall back upon an honourable maintenance, and make room for younger and more efficient men.

No. 9. On this point also I have briefly touched in "a letter," p. 52, and a "postscript," p. 78. What the most eligible way of appointing Professors is, may be a matter of doubt; but the *worst* way is for the University itself to appoint. We can only judge of a rule by its effects in the long run; and we have only to take the Professorships, the appointment to which is vested in the University, and examine what the fruits of them have been, during an average of years, as regards the general advancement of learning, to convince us that this is not a good method of appointment. The exceptions which now and then occur only prove the rule.

APPOINTMENT OF PROFESSORS.

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Appointment by the University the worst.

The best mode of appointing Professors, is that which opens up these posts to the *whole country*, instead of making them the privilege of the resident members. Now it is notorious that no one has much chance of a Professorship the appointment to which belongs to the University, who is not a resident, and who has not made himself useful in University business. Little or no encouragement is held out to the talent and learning of the country at large. How can Professorships filled up in this way be fruitful or effective? The object of those who have to appoint to Professorships should be to obtain the very best man to be found in the whole country; I need not say that this is not the rule which frequently guides the University.

Appointment by the Crown the best.

My impression is, that Government, being less likely to be influenced by local considerations, is the best trustee of professorial posts. Would the University have elected Dr. Arnold to be its Professor of Modern History? I very much doubt it. Government is more likely to look abroad for the best man; and therefore I prefer that Government should appoint.

Our present plan appears to be, to appoint a man who has been useful as a College Tutor, or in University business, it being a matter of comparative indifference whether he has made the subjects of his chair his special study or not. All this must be changed if we are to have efficient Professors. No man can become an efficient Professor who, perhaps, in middle age, commences the study of his peculiar branch of learning.

But we shall have no real reform in this point until we have an efficient professorial system at the University. Such a system alone, by holding out inducements to men of talent to devote themselves to learning, can give us the *materials* from which Professors are to be chosen. Of all the changes required in our system, the most pressing appears to me to be, the throwing open of the University, with its various posts, to the talent of the country, and affording facilities for men of learning to take up their residence there, instead of being scattered abroad, as they now are. The present College monopoly (I mean of *University* posts, and of all the living energy of our academical system) acts like a dead weight upon the interests of learning.

Restrictions on Fellowships.

Nos. 10 and 11. On these points my knowledge is too limited to enable me to suggest anything which I think likely to be useful. Of course, like every part of our University system, the more the Fellowships can be thrown open the better. But this question is, I presume, so hampered with difficulties arising from College Statutes, that I fear the Commissioners will not here find much scope for their labours.

Distinctions of Rank.

As regards the distinction between compounders, &c.; this point may involve nice considerations, which those who are better acquainted than I am with the interior of the University financial system will be able to appreciate; but, as a general rule, I should say that all such distinctions are as out of place at a University, which should be a "republic" of letters, as they would be at a school. And I believe that at Balliol good has resulted from the refusal to admit Students as Gentleman-Commoners.

Theological Study.

No. 12. This question belongs to the more general one of a revival of the professorial system. Little, therefore, need be said upon it. Of course nothing can be more absurd than that Students in Theology should be compelled, after having passed through a place calling itself a *University*, to seek an introduction to their profession elsewhere. Nothing but our being used to it could have reconciled the country to such an anomaly. The existence of such institutions as the Diocesan Colleges of Wells and Chichester is a standing reproof to Oxford and Cambridge for their dereliction of duty. The work which ought to be done at our two Universities is attempted to be done at these minor institutions, and of course, owing to the absence of libraries and a proper staff of Professors, it is not done half so well as it might be done at Oxford and Cambridge.

It appears to me to be of special importance to reform Oxford in this point, because I cannot help suspecting that, do what we will to restore the University system, we shall not be able to make Oxford much more than a University for the Church. I fear that the day is gone by for making it a place of preparation (to any extent I mean) for the other professions. But for the clerical profession it may be made a real University; and nothing is more urgently called for than such a change as shall make it so, viz., abridging the period of general study, and compelling theological Students to study for two or three years under the *Professors*.

Inadequacy of present means of Instruction.

No. 13. I presume that Colleges and Halls are, for the most part, capable of furnishing adequate instruction in the present course of study; but I think that, under the new system, an increase of Tutors in each College will be necessary. The capability of Colleges to furnish a sufficient number of efficient Tutors depends upon the degree in which their Fellowships are open to competition; and therefore this question seems to merge into the more general one, what changes can be introduced as regards the present restrictions upon the elections of Fellows? A point which no one can determine without an inspection of the statutes of each College.

Private Tuition.

No. 14. I do not myself regard the system of private tuition with the disfavour with which some do. I look upon it as an effort of nature to supply what is wanting in our Universities, viz., scope for men of learning to exercise their vocation, and a field for public competition and display. Into what state would our College tuition fall were there no able private Tutors to keep up the standard, and stimulate the College Tutors to exertion? Again, were private tuition done away, there would literally remain no opening for men of an intellectual turn of mind, who happen not to be Fellows, or to have vacated their Fellowships? Nor do I think that, without the most arbitrary measures, it could be done away, for those Students who are candidates for honours will always betake themselves to the ablest instructors, and no one can blame them for doing so.

Still the system, as it stands at present, is very defective, and perhaps, in some points, injurious; especially is the expense a heavy burden on the Student. My impression is, that the

best way to treat the system of private tuition would be, in some way or other, to *legalize* it; *i. e.*, to transform private Tutors into recognized University officers. *Rev. E. A. Litton, M.A.*

But this again depends upon a revival of the professorial system, and a reconstruction of the University course. Here, as in every other point, the College monopoly stands in the way. The Colleges will not willingly give up their exclusive privilege of tuition; but until they do so there is no hope of a real reform.

Nos. 15 and 16. On these points I am not well informed enough to be able to suggest anything that I think likely to be useful.

In bringing these imperfect remarks to a close, I would take leave to remind the Commissioners of one important principle to be kept in mind in all reforms, viz., to consider carefully what we are likely to be *able* to effect, and not to spend our efforts in aiming at impossibilities. For example, I very much question whether anything can be done with the Colleges directly without infringing rights which ought to be respected. To propose, therefore, sweeping reforms in the internal affairs of the Colleges would, if they cannot be carried out, endanger the whole success of the Commission. Let the Commissioners consider in what particular points there is an opening for Government to interpose, and be satisfied with effecting reforms in these. As I have already elsewhere stated, my impression is, that the University, as distinguished from the Colleges, is the proper sphere for a Government Commission to direct its attention to; for in proposing reforms in this department, no private rights will be infringed. Moreover, this appears to me to be the department which, above all others, calls for restoration and improvement. An efficient professorial system, in full activity, with the field which it would open for men of learning who are now shut out from all University offices, would of itself produce a powerful effect upon the Colleges; which, to maintain their ground against a competition of this kind, would be compelled to make themselves also efficient in those points in which they are not so at present. OBJECTS OF THE COMMISSION.

I have, &c.,
E. A. LITTON.

January 20, 1851.
Stockton Heath, Warrington.

Answer from the Rev. W. E. Jelf, B. D., late Student and Censor of Christ Church, Oxford. *Rev. W. E. Jelf B.D.*

SIR,

IN complying with the request conveyed by the circular letter of the Commissioners, I must beg leave most distinctly to guard against being supposed to imply any approval of the Commission itself, which on constitutional grounds I should have opposed had any fitting occasion arisen; but as the Report of the Commission will comprise matters of such vital importance to the University and interest to the public, I think I shall be best consulting the interests of the University if I give (under this protest) such information or suggestions on her public discipline as may assist both friend and foe in forming a true judgment on her real state and wants.

In answer to your first question I would distinguish between the ordinary expenses of a College life which consist of payments included in the College bills, for fees, tuition and the ordinary necessaries of life, &c., and those which attend on mixing in society. EXPENSES.

The former of these are strictly unavoidable, and if they are to be reduced it must be done by fresh arrangements in the College—the latter are more or less optional, and must depend on the Undergraduates themselves, and the discipline to which they are subject.

With regard to the former, the College fees, tuition, &c., are fixed and moderate. So much so that I do not think any objection can be made to them. The whole charge for a Commoner's tuition is about 60*l.* for the whole University course, which may be four years, but is almost universally three. College Expenses.

I think that good commissariat arrangements might diminish the cost and improve the quality of many articles furnished by the College servants, and included in the College bills. Beer, butter, eggs (to descend to particulars) are charged very high, and the profits on them form in fact the main part of the salaries of the College servants, whose interest of course it is, as a matter of trade, to furnish these things at most profit to themselves; and having a legalised monopoly they have not the motive for supplying the best articles, which is the customer's security with ordinary tradesmen. Of course a diminution in the expense of such articles of daily consumption would tell somewhat on the amount which each Undergraduate would have to pay to the College; but this diminution in College payments would in most cases bear a very small proportion to the other expenses which come under the second head.

These are mostly optional; at least they are so in the larger Colleges, where any one may live in or out of society as he pleases. I have always thought that if a man wishes to be decidedly economical he may be so best in a large College, such as Christ Church, where he is lost in the crowd, and no one among those of his own standing ever troubles his head about his habits or expenses; whereas in the very small Colleges, if a man were to withdraw himself altogether from society in order to avoid the expenses of it, he would not only lose whatever advantages may be supposed to arise from the social intercourse of the University life, but would be subject to a variety of petty annoyances and persecutions which it would require a more than ordinarily strong mind to resist. The sum, however, on which a man Social Expenses.

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can live is much smaller than the ordinary expenditure of Undergraduates. I have known several men live respectably for 160*l.* in society; and whenever I have been asked what was the proper allowance, I have answered 160*l.*, if he is really careful, if not 200*l.*; but do not send him up on the smaller allowance unless he be really and practically, as well as in theory and intention, economical. It certainly is a great disadvantage to a man to be precluded from mixing in quiet society, nor would I ever advise such a course but where the circumstances of the case absolutely require it.

The requirements of a man who mixes in society vary of course with the social habits and tastes of the company he keeps; and here again a large College, which admits of many sets, and therefore a corresponding variety of social habits, has the advantage over a smaller College which is but one set.

The question how far this class of ordinary expenses, which depend on social habits, may be curtailed is much perplexed by the difference in position and means of those for whom it is wished to devise some general rule. In the same College are men of rank and family, and great means, mixed up with men of the same family perhaps, and in the same social position in the world, but with far smaller means. It is natural and proper that they should associate together at College; and if extravagance be measured by their means, what is not extravagant in the one is so in the other: it is needless to add that there is not one out of twenty who will act on the common sense principle of not trying to vie with those companions who are richer than himself; and to meet in some measure this difficulty is, I take it, the intention and the use of the system of Gentleman-Commoner. If a man has large means, the College recognises the fact, and allows him to indulge in certain luxuries and expenses which are denied to others; and in Christ Church this does, up to a certain point, answer the purpose; nothing does more harm in the College than a man coming up as a Commoner with a Gentleman-Commoner's means and allowance, because he raises the style of expense among the Commoners. There may be many solid reasons why this difference should be abolished, especially if among other privileges conceded to Gentleman-Commoners licence to be idle is included: but I wish to call attention to a point in the question which experience has forced upon my notice.

Extravagance.

It might perhaps be most feasible to settle the measure of extravagance by the nature and design of the place—it might with truth be said, "What is perfectly proper for a man of large property away from the University is not proper for him here, where, for the sake of his own progress and for the public good, he must be content to live by a common and more moderate rule."

And then comes the question how to settle this rule, and how to enforce it. It seems that the standard must, in most points, be left to the judgment and good sense of the College authorities to regulate as circumstances require or opportunites offer; but it would, perhaps, not be unreasonable to lay down as a rule, for instance, that where the usages of University life demand entertainments, the scale should be pitched according to the ordinary requirements in analogous things in ordinary society. The least that a gentleman could give in his own house should be sufficient for a gentleman's son in statu pupillari to give. This would strike at those expensive wines and desserts which are sometimes given by men who at home only dream of such things.

Could Undergraduates be prevailed upon to accept from the College authorities such a rule among themselves, the matter would be settled to the satisfaction of all parties; but the question is how to enforce such a rule, and such a scale of expense. It would involve a system of interference, more or less declared, with the every day details of a man's life, which seems almost unpracticable; and were it practicable it might be doubted whether it would not do more harm than good, not only by the irritation which it would produce, but by taking away from the freedom of action in such matters, which is of no small importance in educating a man who is to move in the larger sphere of life.

In the expenses which arise from individual tastes rather than from the requirements of social life, much might be done I think by enforcing the statutes which at present exist; for instance, if the statute about keeping horses were more strictly enforced, it would cut off a branch of expense which is commonly found to form no small part of the amount which many a father has been called upon to pay; but then it must be enforced not only with respect to keeping horses, but to riding in general, or it will be eluded or neglected. If a father wishes his son to ride, let him have the option of procuring him a licence so to do; but no one in statu pupillari should be allowed to keep or hire a horse without such licence, and should expect if he were seen riding to be asked whether he had such licence or not; and the same sort of principle might be applied in analogous cases. Indeed I believe that in their spirit, if not in their letter, the present statutes, if really administered, are quite sufficient to check most of the extravagances so reasonably complained of; but if any benefit is to result from them they must be administered *gradually* and *judiciously*, but still *fearlessly* and *fully*, without heeding the clamour both in and out of the University which would be raised by many, probably by the very persons who are most unjust in their complaints of things as they are.

can be restrained by University and College Discipline.

I believe, and I am not speaking without some experience, that a *firm* and judicious enforcement of discipline would produce that change in the tastes and habits of the Undergraduates themselves, on which must depend after all the efficiency of the University as a place of Christian education—for there is one peculiar advantage in University government which should never be lost sight of either in theory or practice, and which though probably familiar to many I will venture to state here; that from the perpetual and rapid fluctuation inthe Undergraduate body, changes, whether for introducing good or checking evil,

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may be carried out with great ease and certainty: the innovation which, in 1851, caused great clamour in College or in the Theatre, will be acquiesced in without question and familiarised to all in 1854; so that a continual system of watchful discipline has no bounds to the good it might effect in those points which either are or might be guarded by statute.

Dining Clubs.

To give an instance of this. Within the last ten years there were three clubs held at three principal inns, which (leaving out the fearful moral evils which were part of the constitution of at least one of them) caused very considerable expense in dinners and suppers to the members. These were suppressed in three days simply by giving warning that the University statutes for such cases would be enforced; they have never revived, and their very names are now unknown even to those among the Undergraduates, who would probably have been among their most extravagant members; and I believe that dinners at inns, in the coffee rooms or in private rooms (which either run up a bill or else absorb no small portion of the money which ought to pay necessary bills), might be stopped without very much difficulty.

I am inclined to believe that the ordinary expenses of a College life will be found to depend very much on the ordinary discipline of the College: where the discipline is such as to allow irregularity or idleness to pass with impunity, then expensive amusements become part of the ordinary life of an Undergraduate, simply to kill time. Where regularity and industry are insisted upon from all, men are more apt to remember the real character and object of an University life, and are kept from the expenses to which idle hours must in most cases lead.

Debt.

With regard to debt and the facilities for contracting it, I believe that something might be done by discouraging and suppressing those irregular and expensive habits whereby either debts are incurred or ready money spent which ought to be applied to the discharge of the regular tradesmen's bills; by compelling tradesmen of all descriptions to send in a statement of bills which are of longer standing than some fixed time, and by making the punctual discharge of bills a condition of remaining at the University. The evil might perhaps be stopped or at least lessened by the powers which the Colleges possess, but only by a system of vigorous measures, which would probably appear very unadvisable to many minds, and which indeed are recommended only by a contemplation of the magnitude of the evil and the necessity for stopping it; but it has always been my opinion that the readiest and surest way of doing so would be by a legislative enactment obliging tradesmen, whether in Oxford or in London, to send in through the College authorities any bills against men in statu pupillari which are undischarged at the expiration of a year from the date of the first item in the account. This would possibly meet the difficulty which arises from the facilities which London holds out. It would I believe be possible for the College to deal with the Oxford tradesmen by shutting the gates against such as did not comply with the necessary regulations; but the effect of this would be to transfer to London the whole custom of those who are disposed to exceed their means, and of all whom they could influence; and until something can be devised by the legislature to meet this, I do not see how we can reasonably call upon the Oxford tradesmen to drive their natural customers to London; and even did we do so the evil would not be effectually stopped. I know this to be the practical difficulty which presents itself to many who have most anxiously considered the question in all its bearings.

On the other hand, it is but fair that every possible facility and assistance should be given to tradesmen to ensure the regular payment or recovery of their just debts. I have always advised them to adopt a strictly ready-money system, and of late years I have been able to point out the success which has followed the adoption of this by a grocer in Oxford; but they are apprehensive that if this were generally adopted by the more respectable tradesmen it would throw their trade into the hands of less respectable dealers in Oxford or London. I must add that in my repeated conversations with respectable tradesmen upon this point, they have expressed themselves sensible that a change in the present state of things would be for their benefit as well as for that of the Undergraduates themselves.

It may be a question whether it may not be possible to devise some means of stopping the destructive and nefarious system of money-lenders in Oxford by some strict legislative enactment.

Much might be done by parents or guardians, by a more careful education and a more watchful supervision; but it hardly comes within the province of the present inquiry to enter on this part of the subject, important though it be.

Much might be done by the Undergraduates themselves. A list of tradesmen is given in (I believe) most Colleges to fresh men, with an intimation that if they employ these men the College has a certain degree of control over them; and where cases of extravagant debts have come to light such steps are usually taken by the authorities as may seem advisable; but it must be remembered that if every such case was visited with the extreme penalty of exclusion from the College, it might be a question whether the place of the excluded tradesmen might not be supplied by persons worse than themselves.

I cannot quit this part of the subject without assuring the Commissioners that this matter has long occupied the most serious attention of the University and College authorities: that it has not been for want of the will but of the power that it has not been stopped. At a distance it is easy enough to theorize upon it, and to say it ought to be done, but it is beset with difficulties which to my mind can only be solved by giving the University fresh powers for this purpose; when this is done, then the continuance of the evil may be fairly laid to the charge of the authorities; but when the means in their hands are insufficient, it

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is not just to blame them for the continuance of an evil which they are as anxious as any one to stop.

It is moreover a great mistake to suppose that nothing has been done. It is true there are still startling disclosures every now and then, but I am sure that extravagant debts are far less common than they were ten years ago, and that in some Colleges at least temptations to and opportunities of extravagance or needless expense have been cut off by the gradual reform which has been going on for some years. Those who only see what the University still is are naturally impatient at what they see. Those who knew what it was, thank God for the improvement which has already taken place, and look forward in hope to its continuance and increase; though it may perhaps somewhat pain and discourage them to see all that has been done so entirely ignored, and what they have been unable to do thrown in their faces as if they had been unwilling to do it.

Discipline.

2. The points in which the well-being of the Undergraduates requires to be protected by a stricter discipline than at present seem to be: the houses of ill-fame, tandem-driving, intoxication, horse-racing, steeple-chases, &c.

Houses of ill-fame.

With regard to the first the evils need not be specified. The first prayer of every Christian parent must be that his child may be preserved from them; and it seems to me that the University owes it to herself as a place of Christian education, and to those whom she receives into her bosom professedly to educate as Christians, that those entrusted to her care shall be protected as far as her utmost power extends. It is true that the utmost strictness or watchfulness of discipline cannot alter natures or stifle passions; that those who have no powers of self-control, or are habituated to vice, will find the means of indulgence somewhere: but it is in the power as it is surely the duty of the University and her officers to diminish the temptations and remove the opportunities as far as possible; especially out of the way of those who may be overcome by temporary excitement or sudden temptation, which might by God's blessing pass away if the opportunity of gratifying it were out of their reach. The abodes or the agents of vice should not be tolerated within the precincts where extraordinary powers are given her for the very purpose of suppressing them. The Commissioners will see that I do not agree with those who look upon bad houses as a necessary evil, or with those who hold that purity is increased by the presence of temptation.

Intoxication.

Intoxication, banished from civilised society in the larger world, still exists, though much diminished yet to a considerable extent, in the very last place where it ought to be tolerated. It would of course be very much lessened if the occasions which experience tells us lead to it were suppressed. Supper parties in or out of College, public dinners, such as the Eton, the Irish, &c., at which more or less of intoxication invariably during the years I knew Oxford took place, might be stopped. And above all care might be taken to guard against the introduction or toleration of clubs for cricket, archery, &c., to which a dinner is attached; for however regular and quiet may be the founders of such a club, and however moderate their expenses at first, each succeeding generation of members departs more and more from the original intentions, and no rules can prevent their doing so. The Isis Archery Club is a remarkable instance of this. Its original founders were steady students of Christ Church; the expences of each dinner were specially limited in the rules to a moderate sum; what it became before it was finally put down many will remember with regret. There were formerly three clubs of this description; two of them, the Quintain and the Isis, were composed almost exclusively of Christ Church men, and were put down by the Christ Church authorities about seven years ago; the other, the Bullingdon Cricket Club, still exists, and unless it be very much changed from what it was when I used to hear of its proceedings, the scenes which take place, and the songs which are sung at its dinners, held, I think, once a week, are a curse and a disgrace to a place of Christian education. Nor are these clubs and supper parties evils merely as being occasions of intoxication and obscenity to men already depraved, but they are violations of a principle which to my mind ought always to be kept in view by University and College authorities, viz., to keep the atmosphere as clear as possible from whatever may lead astray those entering on their academical life. It is this which, in my opinion, justifies and even calls for the removal of a man whose example or persuasion is misleading others to evil; and I am convinced that there is no more powerful instrument of evil than supper parties, &c. Take the case of a young man coming up from home with good intentions of living regularly and working hard, looking back with regret to school follies and idleness (and I firmly believe most men do come up with such feelings); looking to the University as a place where by God's grace he may carry out the solemn promises of making progress in religious and useful learning and training, with which he gladdened his father's heart as he left home: he is invited by an old schoolfellow to meet a few friends at supper; he goes in ignorance of what a supper party really is; the result is that if not made drunk himself he sees others drunk, he hears conversation and songs which no one can hear without pollution; he forms an impression of University life and University habits very different from what he expected, and unless he is of more than ordinary firmness he becomes entangled in the vortex, and then in his turn entangles others. I do not know how the Bullingdon Club is managed now, but I know that shortly before I left Christ Church, schoolboys who came up to matriculate were taken up there and made drunk, and this always seemed to me to be sufficient to settle the question of its being allowed to exist any longer. I believe I may appeal to the recollection of former Christ Church men in proof of the evils which result from supper parties; to the present state of Christ Church in this respect in proof of the benefits which result from their suppression, which has been gradually but, I trust, finally carried out in that College.

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One of these benefits is, that the suppression of supper parties will render far less frequent those punishments, such as rustication, which entail a disgrace and annoyance not only to the offender himself, but also to his family and friends; for I am sure that by far the greater number of offences which called for such punishments arose from supper parties.

Nor, as I have before stated, is there any real difficulty in suppressing such things, beyond the temporary and partial excitement which the exercise of authority may produce when it interferes with favorite pursuits or indulgences; I say *temporary*, because in a year or two men have become familarized to the change and feel its benefits; at all events what has been abolished becomes soon obsolete: seven years ago the Quintain and Isis Clubs were in full operation: in a short time their names were almost unknown to the Undergraduates: I say *partial*, because the better sort receive the change with thankfulness, and as the evil disposed decrease with the evil which used to recruit their ranks with a continual supply, the better sort increase: men who come up with ordinary good intentions of going right, have as fair a chance of doing so as the College can secure to them, and they do not so readily swell the numbers of the evil in consequence of not being drawn into evil company and evil habits at their first entrance into College life.

Tandem-driving.

Tandem-driving (to say nothing of its danger) produces more serious evils than are imagined by those who look upon it merely as driving one horse before another. There is an *à priori* objection against it as an academical amusement, from its being principally indulged in by men whose stay at the University profits neither themselves or others. And it is one of the seemingly innocent things whereby an idle irregular man manages to entrap a well-meaning freshman and get him connected with his own idle and dissolute set; but besides this it generally involves long expeditions to some distant place, such as Bicester, &c.; here it is necessary to put up the horses, dinner is ordered, wine drunk, money spent which ought to go to the tradesmen in Oxford; and the rambles which take place about the town improve neither the moral state or feeling of the Undergraduates nor the character of the University to which they belong: it sometimes happens that consequences serious even in a worldly point of view are the result of these expeditions. I know a case in which a marriage in every respect undesirable and painful to the friends of an Undergraduate arose entirely from these tandem expeditions.

Hunting.

How far the amusement of hunting is compatible with University discipline depends on the view which is taken of the University as a place of agreeable sojourn for a young man at a certain period of his life, or of the acquisition of sound knowledge, and the formation of habits of thought and industry. No one who has been acquainted with the practical working of a College can doubt that hunting does interfere very seriously with College work even when it is indulged in only to a comparatively moderate amount: but when it comes to hunting three or four times a week, it is needless to say that it almost engrosses the time which ought to be given for at least the six months of the year, which are contained in the academical course, to more serious pursuits. There are doubtless considerable difficulties at first sight in the way of stopping it. Some parents wish their sons to hunt; when this is the case the maintenance of any rule against it is still more difficult: but supposing it in such cases desirable to allow it to a certain extent, it might be possible to keep it within certain limits by making the permission to hunt within these limits depend on their never being exceeded. There is much which may be urged in favour of hunting; there is nothing in it morally wrong, provided, of course, it does not violate the wishes of the parent either in point of economy or of industry; but my firm opinion is that, if the University is to become a place of work for *all*, those who choose to come to the University for education must be content to relinquish hunting while they are there. If the University is not to be a place of work for *all*, but men are to be allowed to be idle or industrious as they like, then it may be a question whether the benefits which would result from the suppression of hunting (under certain restrictions) would compensate for the greater evils which might result from other resources of idleness. As my own conviction is, that *all* ought to work in some branch or other, according to the talents or preparation or destination of each, I think that hunting ought to be and might be suppressed. In my opinion, a man should either fulfil the objects for which the University professes to receive him or go somewhere else. If he is reduced to a dilemma between his amusements and his studies, *solvendum est ambulando—autdisce aut discede*, (without any *sors tertia*), should to my mind be the practical motto of the University.

Steeple-chases and horse-racing.

Steeple-chases or horse-racing should to my mind be decidedly stopped. Any one who took part in a steeple-chase or horse-race should, *ipso facto*, cease to be a member of the University. These things are not only open to the many objections which lie against them elsewhere, but they expose men removed from parental control or supervision, at a very rash and inexperienced period of life, to the acquaintance of those who make their living by the follies and vices of the young.

Some of these matters belong rather to University, others to College discipline. As to the points which belong to the former, I think that the powers of the Proctors are sufficient to maintain the necessary discipline, within the limits of which the University privileges extend; but a great deal of evil goes on in places beyond those limits, such as Abingdon, Woodstock, &c., which, nevertheless, are easily reached by railroad; and if it be desirable, as I think it is, to subject these places to the University privileges for this purpose, it can only be done by Act of Parliament.

I think that it would be important that the legislature should increase the facilities of prosecuting houses of ill-fame by allowing the University Marshal to file an *ex officio* information on oath, without it being necessary, as at present, to find some neighbours who are willing to prosecute for a nuisance.

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The tandems may I think be stopped by the ordinary procuratorial power, by considering every gig a tandem in embryo, and applying the penalties enacted by the statute.

The club dinners, supper parties, and the like, could easily be suppressed by the authority which the Proctors possess as well over the Undergraduates as the hotel-keepers, &c., who allow such parties to take place in their houses.

Evils of the present mode of appointing Proctors.

But however ample the powers of the University may be for these ends, it is needless to add that, to be effectual, they must be exercised. The discipline of the University in these points can only be maintained by the most unremitting personal diligence and exertion on the part of both the Proctors. And I confess that I believe that one chief cause of the imperfect discipline which has led, and is still leading, to so much evil, is the nature and duration of the procuratorial office. A Proctor during his year of office may, with no slight personal toil and sacrifice, enforce discipline; he may be succeeded by men of different views or different tempers, who will let things fall back again. A Proctor too goes out of office just at the time when he is beginning to understand his duties, and the best way of performing them. Again, if there be any crying evil which he is disposed to repress, he is precluded, by the temporary duration of his office, from setting about it gradually, so as to avoid unnecessary irritation or eclat; he is obliged either to act more suddenly than he wishes, or else to wink at evils which his sense of duty towards God and man compels him to attack. Again, a man comes up from a country parish to act as Proctor, utterly ignorant of the state of the University, or of the points in which the reins of discipline require a tighter or a looser hand. One Proctor is one year strict in, comparatively speaking, trifles of form and etiquette; next year another Proctor turns his attention to matters of more serious importance. It sometimes happens that, even in the same year, the two Proctors do not pull together—one is strict, the other the reverse—and as they divide their duties by alternate weeks, it happens that the restraints which are kept up one week are not in force the next. In short it seems to me that there cannot be, as long as the present system is continued, any systematic maintenance of discipline. It sometimes happens that a College elects to this most important office a man totally unfit for it, solely on the ground of his seniority; or if a man is elected who knows his duties, and is prepared to fulfil them, a tutor is generally sacrificed for the year of office, for it is impossible for a man to discharge properly two offices, either of which is enough to engross his whole care and attention. I cannot help thinking that on the whole it might be desirable to have a special officer appointed or elected for a certain number of years, capable of re-election, with a sufficient staff of subalterns, who should be eligible for the higher office. The present Proctors elected as at present, might retain their ornamental and legislative functions, which now interfere very much with their other duties.

It seems to me that the vigilance necessary for the prevention of evil requires a larger number and a higher class of policemen than at present, with a superannuation fund to provide for them at a certain time of life or period of service.

There is no doubt but that very great assistance might be, and in some cases is given to the University discipline by the Colleges enforcing strict discipline within the walls: for instance, if the statutable regulation about every Undergraduate being in College as soon as the Christ Church bell has tolled were enforced, very many evils which now demand the care of the Proctors would be very much lessened. I am aware of the argument against doing this, viz., that if men were brought thus early in College they would occupy themselves in something worse, but I believe systematic vigilance and firmness would cure this very soon.

Lodging-houses.

I would add with respect to men lodging in the town, that my experience as Proctor and Censor of Christ Church would make me decidedly opposed to any alteration which might be proposed for increasing the facilities on this point.

Lax discipline of Halls.

In no cases is public discipline more difficult to maintain, or more openly set at defiance, than where idle and irregular men, whom the College authorities have been obliged to strike off their books, are allowed to migrate to a Hall where there is barely the pretence of discipline and none of its reality; it does no good to the men themselves, for they continue in their old habits, in which they are now able to indulge without restraint; and besides the offences which they themselves commit they haunt their old Colleges and appear among their old companions, provoking them to fresh breaches of discipline by the freedom from it which they enjoy. It is quite true that there should be a *locus pœnitentiæ*, but that is no reason why there should be a *locus licentiæ*. In some Colleges (Christ Church for instance) it has been a most wise rule not to give a *migrare liceat* in such a case: but it must be remembered that the refusal to give a *migrare liceat* is inoperative at the end of a year, and that after that period the expelled person may be received at any College or Hall without any reference to his former College. It is far better for such men to go from Oxford to Cambridge, *or vice versâ*, where at least they have a chance of forming new and better acquaintances and habits.

It may be said that increased strictness of discipline will encroach on the freedom of action of the Undergraduate, and make the University and each College a sort of "private school." There might be some weight in the objection if it were true; but I am inclined to think that, if all the regulations necessary for preventing evil were carried out, an Undergraduate would still be master of his own time and actions as far as is compatible with his own and the public good; and it must be remembered that it is impossible that men at the University should enjoy unrestrained freedom and at the same time be kept from those things which the University is loudly called upon to suppress. We may let things continue as they are if we are content so to do; but if they are to be altered it must be done partly by removing temptations and opportunities, partly and (I think mostly) by

encouraging and enforcing habits of industry, partly by such measures of restraint as may be necessary for the purpose. I do not think, as I have before said, (speaking generally,) that many new powers or measures are required beyond those provided by the statutes. What is wanted is the judicious and systematic enforcement by the University and College authorities of those which already exist. *Rev. W. E. Jelf, B.D.*

But though it is useless to deny that there is still much to do in Oxford, it is no less useless and unfair to deny that very much has been done and is doing. Any one who knew Oxford twenty years ago and knows it now will admit that things are in many respects changed very much for the better: that Oxford with all its defects has done much to remedy and counteract them.

I wish to be allowed to add, that I think the hands of the University would be very much strengthened, if in cases where Undergraduates are obliged to leave Oxford for extravagance, vice, or insubordination, the Government would examine into the circumstances of each case previous to immediate admission to Government employment. I am convinced that the knowledge that expulsion from the University might operate unfavourably on prospects of immediate employment or advancement would supply a most powerful check to extravagant or vicious or idle tendencies. Government examinations.

I have spoken so much at length on the two first questions in your paper, that I may not venture to trouble the Commission on the other points, except to say that of the four means of extending the benefits of the University mentioned under question 6, the establishment of new Halls seems to me to be by far the most feasible and advisable; and that an examination previous to matriculation seems to me desirable, provided that some means can be hit upon of not excluding from the benefits of an University course those whose education in the learned languages has been neglected. I have known several men who could never have passed an ordinary matriculation examination, receive very great benefit from the University. New Halls. Matriculation Examination.

I would add, that I believe that the reason why so many men prefer other places to Oxford as a place of theological education, is that they are afraid of being entangled in their old habits of carelessness or idleness; once make Oxford what it ought to be, a school of sound Christian education for all, and it will be as good a place of preparation for Holy Orders as any of those which are now preferred to it. Theological Study.

The other points involve too many considerations for me to be able to answer them without troubling the Commissioners more than I wish to do.

I have the honour to be, Sir,
Your obedient servant,
WILLIAM E. JELF.

Answers from N. S. Maskelyne, Esq., M.A., Deputy Reader in Mineralogy to the University of Oxford.*

N. S. Maskelyne, Esq., M.A.

Sir,

In reply to the questions contained in the communication I received from you as Secretary to Her Majesty's Commissioners for Inquiring into the State, &c., of Oxford, dated November 18, 1850, I beg to return the following observations.

Question 1. The putting a restraint upon extravagant habits is, without doubt, the first and most important measure for reform. No direct legislative measure, however stringent, taken in the University itself, or imposed by a higher authority, can ever, I believe, do away with this monstrous mischief. You may insist on Tutors examining all bills; a very invidious and unpleasant task for the Tutor, and one from which the feelings of the Student would most naturally revolt. The hiatus between Undergraduate and College Tutor is already wide enough, without thus further extending it; but I suppose no one would imagine that such a measure could do more than deal very partially with the evil. Again, with regard to legislative enactments rendering illegal all debts improperly incurred by men *in statu pupillari*, such enactments are not likely to prevent debts being so incurred. All debts should of course be debts of honour, but there is a feeling very universal that a man's honour is more deeply pledged to the discharge of debts in proportion as his honour is more exclusively the tribunal before which their validity is to be tried. This feeling will be ever as strong in the breasts of young men at Oxford as it can be anywhere, and will so operate as to neutralize the effects of any enactments such as those I am speaking of, by the circumstance that men will be always ready to acknowledge debts incurred *in statu pupillari* when they leave the University. Furthermore such enactments can only be looked on as a protective system, unjust to the tradesman, and putting a premium on extravagance in the Student. The origin of the credit system lies in this. The major part, or at least a part sufficiently large to form a leading element in the Undergraduate Society of our University, consists of men, if not of aristocratic order, yet of comparatively wealthy connexions. Where then the connexions of a young man are able in general to provide for him a certain respectable income, and to meet, however slowly and with Expenses.

* For Mr. Maskelyne's Evidence as Deputy Reader, *see* Part II., p. 28 6.

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whatever difficulty, the results of his exceeding that income, a credit system is the immediate result of the working of the first predominating principle of trade, competition. Such a system will of course go on acquiring impetus by progress, and there will be periods of its maximum and minimum ascendancy, the latter succeeding to the former according as public opinion or the influence of depressions on private property operate against it at recurring intervals. I believe the only cure for the evil is to be found in that extension of the University for which the questions of Her Majesty's Commissioners furnish such valuable and suggestive hints. By largely extending the utility of the Universities as places of education, and by the necessary consequence of this the large increase of Students at them, the men who can really afford to live expensively must necessarily be in a minority; they who now give the general tone to the style of living in the place would then no longer do so, and a large influx of Students would take place from a class whose habits are of a less luxurious and more business-like character than are those of the generality of our present Students.

It would then be imperative on a larger number of men than at present to live economically, and to pay ready money; and the natural result would be a competition among tradesmen to supply good and cheap articles at ready-money prices, instead of as at present, expensive ones on credit. A ready-money system would undoubtedly react as advantageously on the minds of men at Oxford as the present credit system reacts prejudicially to them. But I see no way of changing the latter for the former, other than that of diluting the aristocratic and wealthy element of our Undergraduate society. The respectable tradesmen of Oxford, of whom there are many, themselves doubtless feel the evil of a credit system, and would be glad to enter on the competition of a more healthy trade; but until the character of their customers is altered or modified how are they to do so? Furthermore, for the same reason that it would be well to substitute, by natural methods of development, a healthy state of trade in Oxford in place of the present morbid system of credit, so ought we to trust to the working of regular trade principles and ordinary legal process for the working out and keeping in healthy action that improved state. Let the Courts be left open, and render them as accessible as possible. We have in Oxford a very good Court for the purpose. The Vice-Chancellor's Court has always deserved the title of an impartial Court of Justice. Its privileges have never, that I am aware of, been abused; it is feared by evil-doers, academical as well as citizen, and is respected by all. Let its machinery be made as simple as possible, and no County or other Court would better discharge the duty of distributing justice to town and gown, while its authority in matters academical would invest it with a powerful restraining influence over the minds and conduct of the Members of the University.

It is then only to an extension, a large extension of the University, that, I think, we are to look for a solution of this difficulty, and not to any enactments throwing round the Student immunity from liability for debts he has incurred, and thereby putting a premium on his extravagance. With regard to the best means of effecting this extension, the more the mind dwells on it the more gigantic seem the questions raised by it; but these questions will, I am sure, be grappled with by elder and more experienced persons than myself, and the suggestions involved in Question 6 sufficiently show that these will not escape the attentive consideration of Her Majesty's Commissioners.

University Extension.

I pass on to *Question* 6. The determination of the best method of carrying out the extension of the University requires a very large amount of personal experience of Oxford itself as well as a comprehensive acquaintance with the system of other Universities abroad as well as at home. I feel that I am not qualified to offer suggestions upon such subjects. I would, however, make one or two general remarks in connexion with this question. Certainly, if I am rightly informed in this matter, the most flourishing epoch in the past history of our University was previous to that in which limitations were imposed to the number of Colleges and Halls. Of course the subject is at present much mixed up with the constitution of the Hebdomadal Board. Whether the difficulty arising from this might not be removed by a different and better constitution of that Board, whether a representative system might not be introduced into it, whereby all the influential bodies in the University should be represented, such as Heads of Houses, Professors, and Tutors—the Masters of Arts being represented, as now, by two Proctors, but these being chosen more than at present by the direct suffrage of Convocation—are questions which, while they will no doubt receive the consideration of Her Majesty's Commissioners, I have to regret that I am unable to offer remarks upon in detail. But without entering on the important questions concerning the extension of the numbers of Collegiate and Aulic Establishments, I would offer a remark on the subdivision 4 of this Question 6. Provided the Certificate given by the Professor were to be the evidence of some real acquirement made by the person attending his Lectures, as exhibited upon examination, or as known in some other way to the Professor, perhaps the permission to attend on Lectures, and carry away a Certificate of having done so, would be useful and desirable, but not otherwise. There seems no reason why any one should not attend the Professorial Public Lectures, but a certification of a person having done so should only be made under circumstances in which that certification has a value, namely, as an evidence of proficiency. Of course Certificates to University men are of a different character, and imply simply that they have discharged a certain ostensible portion of a duty imposed by the University itself. The point of whether they have discharged the whole of that duty and have profited by the Lectures is one which has to be determined by the University in its own Examination.

Attendance of strangers.

Professorial Lectures.

Matriculation Examination.

Question 7. The earlier and more important fact is that a man's education must be provided by schools, and since the character of what is taught in these schools will depend very much upon the nature of the demands made by the Universities at the hands of senior boys in them, it would seem an important thing that the Universities should proclaim some standard,

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though perhaps not necessarily a high one, which must be reached by all who would become Members of them. A Matriculation Examination ought to present an option of a certain number among many subjects, whereby energies and talents for particular studies, as for Mathematical and Physical Science no less than for Classical Scholarship, would, where they existed, not be allowed to remain uncultivated. On this ground such a Matriculation Examination must be fraught with good. But it would furthermore be of value as defining a positive and more or less high starting-point from which all Students in the University may go on to the further development of their education.

It is a great evil that the examinations in the University subsequent to the entrance examination should be kept too low in their standard, in order that they may not be absolutely exclusive to a number of men who never should have been admitted to the University. For instance, an examination in Arithmetic should surely not be necessary in any other than an examination for initiation! Perhaps an objection may be made to high standards at examinations from the statistics of the examinations. A great part of the "plucks" would seem to be the result of idleness, which is itself the result, in some measure, of the reaction of the lowness of the standard of our examinations. Many men could, I am aware, never get through the stages to a degree, if this standard were so raised, and it may be urged that these would make frequently excellent clergymen. If this be the case, their moral qualifications doubtless would weigh with Bishops as a counterpoise to their intellectual or educational deficiencies, but I do not see why they should do so with a University which has to take heed that its advantages for a majority of Students be not diminished, and the progress of these retarded by its too fondly maternal consideration for the few.

HIGHER DEGREES.

The significance of a Degree would seem to lie in its being a testimonial of merit, however that merit is to be tested. Surely nothing else than this should give a Degree a value!

The maximum of time at present allowed to Students before their going in for their final examination could not certainly for many Students be curtailed. I should think, however, that the minimum of time for which they are compelled to wait before going in for that examination after Matriculation might be shortened with advantage.

The question of what should be the true import of the M.A. Degree is a difficult one; but this Degree should probably be made to differ in the kind of its requirements at the hands of candidates from that demanded for the Bachelor's Degree. It might, for instance, be made to depend on a man's having attended certain courses of Professorial Lectures, of which considerable choice should be left to the individual. Or this attendance might be dispensed with, where in lieu of it the Bachelor of Arts should exhibit on examination proficiency in the subjects of such Lectures. Thus the M.A. Degree might be made the evidence that he had made progress in his education in the fundamental principles of his future profession, whatsoever that profession may be, while the higher Degrees would evidence his having carried forward that education to a point of eminence in his profession itself. Thus the future professions of our Students would be led to by avenues in the University. We even have some of the machinery for this in certain of the established Professorships, which, if it could only be made more effective, might render a man's residence here, after taking his first Degree and before his second, advantageous and desirable for him, provided the expensiveness of Oxford, as a place of residence, could be diminished. Were this so, and were our Professorial Chairs filled with first-rate men, there can be no doubt that Oxford would send her own Lawyers to study the rules of practice in the Inns of Court, and not as now send thither young Students fresh from their Baccalaureate, and to whom Blackstone is an almost unopened book. She would send her sons at once into Orders without their having to go through processes of metamorphosis in other hands than her own, and she would send her "*Bachelors*" of Medicine to study, if requisite, in the Hospitals of London, and not send thither "*Students*" only to whom Physiology is comparatively a new science. It is true that the new system will instruct Students in these several studies, to a certain extent, before they take their B.A. Degree, but after their taking that Degree the University should hold out to them inducements to pursue their especial professional study further within its walls, and to become more or less masters of the *science* of it before they enter on its practical details in another sphere.

PROFESSORIAL SYSTEM.

Question 8. These four questions require separate consideration.

I. The combination of a tutorial with a professorial system may be taken in two senses. Either it may mean a combination of a tutorial with a professorial education throughout a man's career, or it may mean a combination of the two in such a way as that one part of that career shall be subject to Tutors, another to Professors. The latter would seem to offer considerable advantages supposing the term tutorial to mean a system of College Tutorship, with College Lectures as at present in action. Private Tutorship is a system so entirely different from this, and involves so different and such important questions, both as regards Tutor and Pupil, that the same arguments cannot apply to the two systems in common.

COMBINATION WITH TUTORIAL.

So long as Tutors can compel men to attend their College Lectures, although the hours of attendance coincide with those of Professorial Lectures, they will compel that attendance. It is this more than anything that has tended to drive into their present retirement the Professorial Lectures in the place. The Public Lectures are looked on as being extra to and no part of the system of education, and if a Professor aspires to get a class (in any subject but that of Divinity) he is obliged to give his Lectures at an hour when the whole of the Undergraduates in Oxford have gone through their College lectures for the day, and are not in many cases disposed to go through further fatigue from continued mental discipline.

This evil has been gravely felt by the physical Professorships. It is to be lamented that two great means of education in the place should be in any collision; the object of both is the

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same, and they should co-operate, and not be antagonistic to each other. The result of the present system is that professorial instruction previous to a Degree is practically ignored by College Tutors. I believe Christ Church to afford the only exception, in compelling its Undergraduates to attend one course of Lectures on Experimental Philosophy. One system under the present arrangements must be paramount, and there can be no question which will be so, so long as Tutors can compel attendance on their College Lectures to the exclusion of Students from Professorial Lectures. What the effect of the new Examination Statute will be it is difficult to say. It is true that that Statute demands attendance, on the part of all, upon two courses of Professorial Lectures. But had it demanded, as a minimum, attendance upon one course in each term, it would hardly have effected the breaking up of the educational monopoly of the College Tutorships.

The great value and importance of tutorial teaching must be fully recognized, but the value of this teaching, so great in the earlier part of a man's career, goes on diminishing just in proportion as his mind is becoming more and more fixed upon the particular books and subjects he is preparing for his Degree, until it at last becomes a shackle and a hindrance to him to be confined by the trammels of a College Lecture. It is just in the inverse proportion that the private Tutor (an office which a superior College Tutor is so capable and sometimes willing to undertake) becomes important to a Student, and if the Professorial Lectures were of a high caste, he could not fail of finding it to his advantage to attend certain of these that might bear upon his line of study; indeed, to the mathematician or the student of physical science these will be indispensable. It is probable then that if a man were placed under a College tutorial system of teaching for a certain number of Terms, and were then emancipated from the attendance on College Lectures, though of course not from the moral surveillance of College authority, and compelled to attend the Lectures of the Professors, the two systems would work well, the one being the complement to the other. The limit between the two periods of subjection to successive systems in a man's career might well be the time of his passing his second examination.

Endowment or application of Fellowships and Scholarships.

II. With regard to the inquiry as to the means of making the professorial foundations more available for the instruction of Undergraduates, of course the first essential requisite is a large staff of good Professors. I do not see how we are to secure the services of really first-rate men to fill our Professorships unless these are made places of considerable emolument. Were they so, there would be continually a number of men labouring to fit themselves for filling positions so fraught with honour and advantage. Moreover, anything which tends to promote a study in the place, tends to the growth of valuable men to fill the Professorship connected with that study. Now a sort of stimulus which is of a very healthy order might be introduced by the attachment to every especial study recognized in the place, and represented by a Professor, of Exhibitions, or of Fellowships and Scholarships connected with Colleges, certain of which should be allotted to Graduates and others to Undergraduates. If the means could be found, this would be a most important stimulus for every study, but it is especially for Students in Physical Sciences, and more particularly of Chemistry, that such assistances are necessary. These sciences cannot be successfully pursued far without experiment, and this demands apparatus. University Laboratories will doubtless ere long exist in which experimental instruction will be given by Professors, but the individual Student will have to provide much apparatus of his own, and he will want that apparatus precisely in proportion as he goes more deeply into his subject, so that the most meritorious Student is he to whom the money would most probably be the greatest assistance, while to the Graduate, or advanced Student, such means would be most important as aiding him in carrying on original investigations in experimental research. These Exhibitions or Fellowships should be held only for short periods, but should be renewed to the same person where they can be shown to be well employed by him. Residence to a certain amount should be demanded of the exhibitioners, and this would, no doubt, be very convenient for them, as they would, in all probability, form a staff of College or of private Tutors, who would be preparing men for the Physical School, and from whom indeed the Professors themselves would be most likely to be chosen. I am assuming that funds might be found for these Exhibitions, but if new sources of money for such purposes be wanting, it is very probable that many of the Scholarships and Fellowships attached to particular Colleges might be found to have been so endowed by their Founders, as that an application of them to such a purpose would not be discordant with the spirit in which such Founders left them; nor do I see what should prevent the Head and Fellows of any College, who desired the study of Physical Science to prosper in their College, from devoting one at least of their Scholarships and Fellowships to such an object, provided no restrictions as to election, or as to clerical profession and such like, interfered with the free working of it.

A new fund, however, devoted to the erection of such Exhibitions would be by far the preferable method, if a practicable one, as then the Professor himself and the University authorities would have the election of the Exhibitioner, a thing of much importance, as securing its efficient working.

Professors of the Physical Sciences.

III. I can only offer a few observations upon those Professorships which are in connexion with the subjects of Physical Science. As regards the number of these, though they may be at present sufficient for the wants of the University, yet when the system involving the teaching of Physical Science comes into active operation, if it is to be efficient, these Professorships must certainly be multiplied. For instance, the Reader in Experimental Philosophy has now to treat upon an enormous range of subjects, a range embracing no less than the whole of the sciences commonly called Physics. These subjects to be properly developed before a really working audience would require the full time of at least three Professors. Mr. Walker cannot go through the whole range of his subjects in the course of the year, even devoting *only*

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one Term to each! Surely the secondary Mechanical Sciences (to use Dr. Whewell's classification), namely, Acoustics, Optics, and Thermotics, are enough for the study and teaching of one master, while the Mechanico-chemical Sciences, Electricity, Galvanism, and Magnetism, are not too small for another! Yet all these, including Statics and Dynamics (the strictly Mechanical Sciences), which surely ought to form the province of our existing but practically obsolete Professorship of Natural Philosophy, have to be treated of in the lecture-room of our present excellent Reader in Experimental Philosophy! And yet this Readership is, I believe, worth little, if at all, more than a College Tutorship! I should say that it is understood that the Heads of Houses have under consideration a scheme for increasing the endowments of Physical Professorships, but it is said that this is to be accompanied by a great reduction of the fees at present received by Professors. An extension of the system of payment of moderate fees to *all* Professorships would seem a more judicious step than a diminution of them or their removal. The effect of fees is to give the Professor a sentiment of personal interest in the success of his Lectures beyond the feeling of duty which otherwise alone actuates him. I cannot but think that a Professorship should be of sufficient emolument to enable the gentleman holding it to be married, and maintain a position in Oxford commensurate with the importance of his duties; there are but very few that are of such a character now.

Retiring pension to Professors.

IV. The justness of a retiring pension to any one who has performed through his life a public duty, and has become incapacitated by age or accident from continuing to do so efficiently, can be questioned by no one. It were only an act of common justice so to enable the Professor to retire into a tranquil old age. In the study of Physical Science especially few men retain that vigour in their last years by which alone they can keep their knowledge and ideas from falling behind in the rapid march of knowledge in these times. Few men retain the mental vigour of a Berzelius or a Humboldt through so long lives as theirs; and the Professor, be it remembered, is not, like the professional man, rising through various stages of fortune with his increasing years. His annual income is one nearly fixed in its amount, and the graceful act of retiring when years render the discharge of his duties laborious and perhaps impossible, is one which he often cannot, however much he may wish it, perform. A pension would render such an act possible for him.

Appointment of Professors.

Question 9. It is very difficult to say in what way the appointment of Professors should be made in order to secure the most disinterested selection of them. Our Convocation contains so great a preponderance of one profession that it is hardly to be expected that its elections should be made entirely without any bias derived from this its peculiar constitution. When this body shall have become enlarged, as all must hope it will, and when all other professions are properly and largely represented in it, doubtless it will be the best power for the appointment to University Professorships. In its present constitution, however, the Crown would seem to be the arbitrator most likely to make appointments with a view only to the merits and especial fitness of the candidates. Indeed some of our best appointments have been those made in this way. As regards what should be looked on as qualifications for a Professorship, I can conceive of nothing that can qualify a man for such a position but excellence in knowledge of the particular subject he has to teach, joined to a facility in imparting that knowledge; nor can I well understand how anything should disqualify him from holding such a position, excepting moral delinquency or an absence of these qualifications.

Inadequacy of the present means of instruction.

Question 13. With regard to the bearings of this question upon Physical Science, the Colleges as yet possess no means or machinery, either in Tutors or in apparatus, for instruction in this new branch of University teaching. Professorial Lectures must be looked on as the great means of education in Physical Science, for it is in these alone, at least for some time to come, that it will be possible to introduce experimental demonstration in illustration of the subjects lectured on, and without such demonstration it would be impossible to go far in the teaching of them.

The Libraries.

Question 15. I would suggest the consideration of the feasibility of lending out books from the Bodleian Library to members of the University and other persons, under proper restriction, during such hours as the library is closed. Doubtless some books should be excepted from such an arrangement, but probably a large number, duplicates for instance, could be included in it.

The Radcliffe Library does not, I presume, fall within the scope of Her Majesty's Commission, so that it were perhaps useless to call the attention of the Commissioners to the highly valuable character as a library of reference on Chemical and Physical no less than on Physiological Science which might so easily be assumed by this magnificently endowed institution.

I have the honour to remain, Sir,

Your obedient humble Servant,

NEVIL STORY MASKELYNE,

Ashmolean Museum.

P.S.—In reply to a communication, asking for further information on the subject of the Ashmolean building and the Museums, and collections connected with Physical Science, I will commence by giving a more detailed history of the Mineralogical collection. There seems early to have been collected in the Museum specimens of such natural products as were held to be rare or curious. The Mineral and Fossil department were, I believe, collected by Dr. Llwyd, of Jesus College, keeper of the Museum from 1690 to 1709, and were contained in the lower room of the present Ashmolean Museum, and these were added to considerably some 30 or 40 years ago by the purchase, on the part of the University, of a collection belonging to Sir Christopher Pegge. During Dr. Kidd's occupation of the Mineralogical

Mineralogical collection.

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chair, additions were made to the collection, some of which consisted of valuable and large specimens. When Dr. Buckland succeeded Dr. Kidd in the office, the Ashmolean Museum had already outgrown the rooms that had been devoted to it, and the Mineralogical and Geological collections were accordingly removed to the rooms in the Clarendon building, which they now occupy. The Geological Museum has long since outgrown the space assigned to it, and the Mineralogical collection is now in the same condition. During the year 1832, and in subsequent years, Richard Simmons, Esq., M.D., presented to this University many specimens from a fine collection of minerals which he possessed, and of which he subsequently bequeathed the remainder to the University. Mr. Heuland valued this part of the collection in 1846 at 1,418*l.* 12*s.*, so that the whole is probably in value above 2,000*l.* Dr. Simmons' collection contains many very fine specimens, especially of crystallized minerals, some of which are perhaps unique in point of size and beauty. The collection was, however, rather a choice than a complete one. The University have recently added to it a cabinet of minerals of the value of 140*l.*, which will be of use as hand-specimens, and are well adapted for inspection and handling by a class, a purpose to which many of our other specimens are too valuable and fragile to be safely applied. Dr. Buckland has added many minerals to the collection, as have various persons since his appointment to the Professorship. The Mineralogical collection, however, has not been increased in the same proportion as the Geological collection has; for, indeed, the splendid and invaluable additions which Dr. Buckland made to the latter were such that it may well be called Dr. Buckland's Collection, for it was his own creation and will ever remain a monument of his labours. Our collection of minerals also includes a cabinet of hand-specimens presented by Mr. Conybeare to the University, and especially designed, I believe, by that gentleman for the purpose of being examined and studied by Students who might desire to acquire that familiarity with Minerals which the constant training of the hand and the eye alone can give. Our Mineralogical collection is still far from complete, and is entirely without arrangement, and wants to be catalogued. It will be a work of much labour to do this, but it would be hardly possible to do it with advantage until a larger space and more glass-cases are provided for the exhibition of the Minerals.

Residence of the keeper of the Ashmolean Museum.

With regard to the rooms which I occupy under the Ashmolean Museum, and the purposes to which they have been applied, I find that among Anthony Wood's MSS., which are in the Ashmolean Museum, are some notes taken from the "Angliæ Notit." Lond. 1687, Part 2, pp. 228, 229, the substance of which is that the Ashmolean Museum "was built by the University, who found such a building necessary in order to the promoting and carrying on with greater ease and success several parts of useful and curious learning, and was begun in 1679 and finished in 1683, at which time Ashmole presented his collection to the University, the custody whereof was committed to Dr. Plott, the Professor of Chemistry. The building consisted of ten rooms" (to which Dr. Daubeny has since added four), "whereof the principal and largest are public, being 56 feet in length and 25 in breadth. The upper is the Museum Ashmoleanum, the middle is the School of Natural History, where the Professor of Chemistry, Dr. Plott, reads three times a-week. The lower room (a cellar) is the Laboratory, furnished with all sorts of furnaces, &c., for use and practice, which is performed by Mr. Christian White, the skilful and dexterous operator of the University, who, by the direction of the Professor, shows all sorts of experiments relating to that course, according to the limitation established by the order of the Vice-Chancellor. Near adjoining to the Laboratory (under the same roof) are two faire rooms, whereof one is designed for a Chemical Library, to which several books of that argument has been already presented; the other is made use of as a store-room for Chemical preparations, where such as stand in need of them are furnished at easy rates. Near the Museum (under the same roof) is a room fitted for a library of Natural History and Philosophy. The other remaining rooms are the lodgings, chambers, and studies of the Keeper of the Museum, whereof one, which is most convenient, is sometimes employed for private courses of Anatomy."

The Keepers at that time lived in the Museum, for Dr. Plott's successor, Mr. Edward Llwyd (author of the Archæologia Brittannica), died in the Museum, and was conveyed thence to be buried in St. Michael's church in 1709. The apartments of the Keeper were, however, at some subsequent period abandoned, until Dr. Kidd obtained the use of them from the University. He lived there some years, and was succeeded in the occupation of them by Dr. Daubeny, who added some rooms to them, the large room, described above as a Laboratory, having been previously subdivided into smaller apartments, whereof one is a Lecture Theatre, formerly used by Dr. Daubeny for his classes in Chemistry, but abandoned by him a few years ago. The house was tenantless when I was summoned to Oxford to discharge the duties of the Mineralogical Readership, as the deputy of our present Professor; and the University went to the expense of putting the old chambers of the Keeper of the Museum of former days into repairs for me.

Study of Physical Science in Oxford in the 17th century.

I would call your attention to the remarkable picture presented by Anthony Wood's description of the state of Oxford as regarded the study of Natural Science in the latter half of the 17th century. The age of Wren, Bishop Seth Ward, Bishop Wilkins, Dr. Willis, and the Mathematician Wallis, was as brilliant an age in the history of Science as it was in that of Oxford. Robert Boyle, whose hand seemed even then touching the very discoveries which made great the age of Lavoisier a century later, prosecuted his chemical researches in Oxford from 1654 to 1668; and the Ashmolean Museum is rendered classical by the circumstance that it is a standing monument of the vigour of these Students of Natural knowledge, who then held their meetings in Oxford under the name of the Philosophical Society, the embryo of the Royal Society. So strong was the sentiment of respect for the study of the Physical Sciences impressed on the University by these men that a want was felt for a Museum to contain what

was curious or rare, or required investigation; and even at that day we find the Professorship of Chemistry no sinecure, and the University providing him with an assistant in his Laboratory. And yet to day the University Laboratories are without Chemical Assistants, in an age when investigation can hardly be carried on without such assistance, a drawback which the Professor of Chemistry and myself feel gravely. The masters of Physical Science in Oxford were, in the days of the Philosophical Society, so far in advance of their age as to have recognized the importance of a Chemical store-room for the use of Students, an idea which has not been realized in this country until the year 1851, when just such a store-room has been commenced by the Chemical Society of London for the use of its Members! On the part of your inquiry which concerns the Museums in Oxford generally, I am not able to give much information. The Ashmolean contains much that is curious, a few things that are really valuable in the way of antiquities. The collection presented by Sir Richard Colt Hoare, including a great portion of those described in the "Nænia Britannica," is very interesting. The part of the collection which consists of objects of Natural History presents its chief attraction, I believe, in the Ornithological department, which contains a rather interesting and complete series of specimens of the genera; though, from the smallness of the space presented by the Museum, it was deemed unavoidable to attempt anything beyond a generic representation of the Animal Kingdom. I believe that the collecion of coins is far surpassed by that in the Bodleian, and presents no remarkable feature, while the sources of the Museum Ashmoleanum present a guarantee for its containing a good deal of what would not be looked on in a modern Museum as worthy of much consideration. The present excellent arrangement of the Museum, and the remarkably good order in which it is kept, reflect the highest honour on its present much-respected Keeper, Mr. Philip B. Duncan, who has carried forward the improvements, so indefatigably and liberally introduced by his predecessor and brother Mr. J. S. Duncan, with a liberality and good judgment only to be compared to that of him whom he has succeeded. Indeed, it is to these two gentlemen that we are indebted for the Ashmolean Museum being anything other than a curious collection of antiquated relics.

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Services of the present Keeper.

I need not remark on the inadequacy of the remuneration paid to the Keeper of the Museum, or the absurd limitations imposed by the Founder of the stipend which forms that remuneration upon the election of the Keeper who is to receive it.

I may add that there is a society called the Ashmolean Society, which was set on foot some years ago to promote the study of Natural Science in Oxford, which holds its meetings in the Museum, and has there also a library of reference on scientific subjects.

Ashmolean Society.

To the Rev. A. P. Stanley,
Secretary, &c. &c.

Answers from B. Price, Esq., M.A., late Fellow of Worcester College, and formerly Assistant Master in Rugby School.

B. Price, Esq., M.A.

Sir,

I beg leave to make the following suggestions in reply to some of the questions put to me by Her Majesty's Commissioners for the University of Oxford.

1. The diminishing of the ordinary expenses of a University education is a measure most loudly called for by persons of every class. Probably on no other question will the report of the Commission be looked forward to with keener interest by most persons, for the evil is felt to be intolerable. The increasing civilization and wealth of the country make a larger number of persons eager to send their sons to College; and in order to place them on a footing with others very severe sacrifices are endured. It is said, and truly said, that a man *may* live in not a few Colleges at a cost as low as the ordinary price of provisions will allow; still, if practically a much larger expenditure is generally incurred, and few escape it, public dissatisfaction cannot be allayed by pointing merely to the low charges for food and lodging. The system must be deeply at fault somewhere, and many a hopeful look is directed to the Commission. My own persuasion is that the mischief cannot be lessened so much by sumptuary laws or any such process, as by a hearty and resolute will on the part of the authorities to discountenance and put down expense. This is an affair which depends chiefly on the tone made to prevail in society, for many would gladly avoid expense if they thought they should not sink in public estimation by so doing. If the Heads and Tutors were thoroughly in earnest in this respect, and still more if all the Heads and all the Tutors had a determined feeling to check the evil, a very great change would soon come over the University. If every Undergraduate were made to understand that expensive habits were inconsistent with his College, and would, if persevered in, lead to his removal, there would soon be a positive change. But to be successful such a line of proceeding should be general, and unflinchingly carried out; no favouring of noblemen and rich men; no conniving at the extravagance of men who are otherwise desirable members, and could probably afford it. Heads and Tutors, who were resolutely bent on accomplishing this great duty, could easily make themselves acquainted with the general habits of their pupils; and if there was no mistake about their being in earnest, ruinous and foolish extravagance would quickly be put down. The distinction between noblemen and Gentleman-Commoners and ordinary Undergraduates sustains the evil, for it recognises not merely a distinction of rank, but a right to spend more, and this stands in the way of one common standard of moderate expenditure being set up for all. New Halls would do good in the way of remedy, but I shall speak of them presently.

Expenses.

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DISCIPLINE.

2. I do not believe that the powers possessed by the authorities to enforce discipline are insufficient; the authority of the Head over independent Commoners is despotical. But there is a grievous want of harmony between the several Colleges in carrying out discipline, and some general Committee of discipline for the whole University seems to me to be much needed. Uniformity and steady improvement cannot well be obtained without some such body. The isolated action of each College in the management of its Undergraduates is unreasonable and undesirable; the University ought to exercise some central influence.

CONSTITUTION.

3. No one can wish to see Convocation turned into a debating society; but neither, on the other hand, can the exclusive right of the Board of Heads to originate measures for legislation be considered satisfactory. The position and the mode of election of the Heads do not furnish sufficient guarantees for their thoroughly sympathizing with the wants of the University, or understanding the general feeling of its members. I should propose the instituting of a standing Committee or Caput, composed of representatives from the general orders in the University; for example, of the Vice-Chancellor, one member from the Board of Heads, one from the Professors, two from Convocation, and two chosen by the Public Tutors. To this body every Master of Arts should have the right of submitting any enactment he proposes for adoption; and if thought deserving of consideration by the Caput, it should be brought forward with a view to being passed into a statute before the Board of Heads and Convocation. By such a machinery as this due provision would be made for giving their proper weight respectively to the Conservative and Progressive elements in the legislation of the University.

New Hebdomadal Board.

PROCTORS.

4. The present limitations in the choice of Proctors seems to me quite absurd. If they are to continue to be nominated by each College in succession, they should be appointed either by the Head, which I cannot think desirable, or by election by the Graduate members of the College. But, in either case, the choice should be unrestricted amongst all the Graduates of the College.

But it seems to me also that the great powers vested in the office of Proctor transcend the expediency of a purely College nomination. This objection applies less to the functions of discipline exercised by these officers; but the nominees of two single Colleges are hardly entitled to such a control over the legislation of the University as they now possess. That control would not be needed if a Caput were instituted, and then it might be taken away from the office of Proctor altogether.

UNIVERSITY EXTENSION. Licensing of independent Halls.

5. The institution of a Caput and the legislative changes suggested above are the chief points in which I should wish to see the government of the University altered; but, besides these, it is very important that the Board of Heads should not have, as at present, an absolute veto on the licensing of new Halls. This gives the present Colleges a monopoly which is injurious to the interests of both the University and the country. The opening of new Halls might produce a very wholesome competition; nor can I see that the old Colleges have a well-founded right to educate exclusively all the independent Undergraduates who are sent to Oxford. How far the Heads of new Halls should be entitled to seats at the Board is another question. I conceive that such a privilege should be granted them, by an arrangement depending on the size, the standing, and other circumstances of the new Halls; and, in any case, I feel confident that a Caput such as I have proposed, with the right of initiative granted to each Graduate, would gradually lead to the obtaining of what was just and reasonable.

6. (1.) The establishment of new Halls, especially as independent societies, seems to me to be called for by reasons of the strongest expediency. Extravagant habits might thereby be restrained, and a great economy introduced in the expenses of a University education. The Students might, to a great extent, live with the Head of the Hall, who might easily exercise a friendly superintendence over the Pupils, without their sacrificing that degree of independence which is essential to a College life. The new Halls too would furnish great facilities for attracting a lower class of Students into the sphere of a University education; and many men of eminent ability and reputation, now driven from the University by marriage, would be glad to return into residence in the honourable and active capacity of Teachers and Heads of Halls. The extension of the University system, so as to include additional classes of the community, is a measure of the utmost importance, demanded alike by the present state of England, and the expediency of keeping up the influence of Oxford over the coming generations; and for this object the opening of new Halls is indispensable.

(2.) Till the experiment of new Halls has been tried, I should not be disposed to extend the permission to Undergraduates of lodging in private houses.

(3.) I repeat the same opinion on this head.

(4.) This is a much larger question. The time may come when the Professorial Lectures at Oxford may be so excellent, so thoroughly educating, that the general interests of society shall call for the throwing open of these benefits to persons who do not and cannot seek a complete and systematic education at the University; but that time is still far off, and I could not recommend so great an innovation till the ripeness for it shall justify its introduction.

MATRICULATION EXAMINATION.

7. There are few points connected with the Universities on which thoughtful persons are more generally agreed than the extreme desirableness of an examination previous to matriculation. A few of the Colleges efficiently test the qualifications of candidates for admission; why should not all? It is replied, that in that case many persons who now come to College would despair of admittance. I am satisfied that there is no weight in this objection, except with regard to a class of wealthy and nationally-important Undergraduates, who never intend taking a degree, but whom the University desire to see for a while within its walls. But it is unjustifiable to give up a very great benefit for the sake of those who, if unimprovable, deserve no sympathy. But, in truth, the desire of these persons to go to College is so great, it is so thoroughly expected of their class in society, that these are the very men who would be sure generally to qualify themselves to pass an examination on entrance with success. The im-

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provement of the schools throughout England depends essentially on such an examination being adopted; all the schools would work up to it as their standard. The greatest injustice is produced by the present system. Young men from efficient schools are very mischievously kept back at College by the necessity imposed on the Tutors to adapt their Lectures to the low attainments of many of their pupils. I have repeatedly heard young Undergraduates complain of their being compelled to attend Lectures far below the work of the forms they have just left at school; and I am sure that the good schools of England would rejoice to learn that the standard of admission was everywhere what it is at the best Colleges. And considering that Students are commonly 19 years old on matriculation, it would be a disgrace to the schools of the country if they could not impart proficiency in Greek and Latin by that age equal to such a standard as could be reasonably required. It is said sometimes that, even as matters now stand, a great many men fail to pass their Responsions on the first trial, but this I contend is the effect of there being no examination at entrance. The young men who are ill-prepared then are seldom the persons who take to studying vigorously on admission to the University. School is the proper place for acquiring these preliminary attainments, and rejection at entrance would not only be felt less severely, but would ensure such a preparation as would soon diminish the number of such rejections. The best effects would be produced upon schools. At present the excellence of a school is commonly measured by the distinctions acquired by its *best* pupils; it would be a prouder honour still so to educate its boys as to have none sent back from admission. Such a testimony to its efficiency ought to acquire for it a far higher eminence than the successes of a few distinguished scholars.

I have no desire to diminish the length of time required for the first degree, provided that a vigorous and successful cultivation of science and general knowledge, as distinct from language and scholarship, is carried out during the third year. The chief improvement to be introduced into our Academical system is the wise employment of the interval between the middle examination and the first Degree. A more strictly professional teaching is urgently needed. It is the great defect of the present system that it is limited to a purely general education, that it imparts no professional training of any importance for a single profession; and this defect has rendered England notorious in Europe for possessing one of the most nobly endowed churches, and having no professional training for its clergy. Professional teaching, of the most varied kinds, can be gradually and extensively introduced into the studies of the third year; and many a Student, many a class of the community, which now never dreams of going to College, would to their own great advantage and to that of Oxford seek for professional education amidst the many happy influences of the University.

Professorial Studies.

8. Having discussed the subject fully in a pamphlet published a short time ago, I need not here trouble the Commission with a repetition of my suggestions, or of the grounds on which they were founded. Further reflection has only strengthened my conviction that the whole question of vital University reform has its centre in this point. I am firmly persuaded that the opening, after the B.A. degree, of a progressive career of ever advancing improvement in knowledge, with suitable rewards, especially that greatest one, of feeling that enlarged knowledge confers immediately enlarged academical value, is the very kernel of University reform. A great source of University evils would be cured by this remedy, and by means of it Oxford would soon assume a very different position in England, and have a very different prospect for the future. I believe that the combination of the Professorial with the Tutorial system offers the only practical means of reaching this great result, and I beg leave respectfully to refer the Commission to the plan I proposed for carrying out this combination.

Professorial System.

As for the present Professorships, I have but faint hopes of much practical benefit being derived from them, unless they are organically incorporated into the machinery for preparing for the examinations in the schools. And such an incorporation can be effected only by making it the interest of Students to obtain the information offered them by the Professors, with a view to the acquisition of honorary distinctions. The examination, therefore, must turn on what the Professors teach, and I do not see how the system of having one Professor only in each department can be made to work effectively. Several Professors are needed, at least in those departments of study which are pursued by the whole University; and I think there ought to be some competition amongst them. Without something of this kind, there would be no guarantee for progressive improvement in the Professor—a most cardinal matter.

But I think that the present Professorial Chairs might do good service in keeping up education in Tutors and other Masters who intend to devote themselves to a University career. Such upper classes would be a noble field for a great Professor; and mutual zeal would spring up, both in the teacher and the taught, as soon as the University should have adopted such a system as should create a continued demand for constant progress in the senior residents. On every side we meet with this one great condition of valuable University improvement.

With regard to retiring pensions for Professors, if the plan I suggested were adopted, when a Professor felt it time to withdraw from length of service, supposing no other fund were available, a coadjutor might be appointed, who should receive the fees for tuition, but should not be entitled to the fixed salary of the Professorship during the lifetime of the retired Professor.

Suggestion of Sir W. Hamilton on the appointment of Professors.

9. I know of no better mode of appointing Professors than that suggested to me by Sir W. Hamilton, of Edinburgh: that a small Committee of Electors should be chosen by different bodies in the University, who should either appoint the Professors themselves, or furnish a detailed report of the merits of the candidates to the Crown or the Chancellor, in whom the appointment should be vested.

Restrictions on Fellowships.

10. Limitations to localities or families, in the election to Fellowships and Scholarships, belong to ages now passed away. The progress of civilization, and especially of locomotion, have practically made all England to be of one family; there is no longer any necessity to stimulate education in special localities by particular endowments reserved for counties,

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dioceses, or the like. But there is one exception for which the reasons still hold good; that of Scholarships and Exhibitions attached to particular schools. These often have an excellent effect in raising the character and teaching of these schools, more particularly in those cases where Examiners *ab extra* come down to decide on the award of the endowments. This operates as a public examination, and great good is the result. In these cases, the benefit realized by the local stimulus is greater, I conceive, than that which would be obtained by merging these endowments in the large mass given away at the University by public competition. But I see no reason whatever for continuing the limitations to Fellowships given away at College; for, in our day, I cannot think that any important advantage can be derived from limiting the choice of the electors to districts as large, for example, as the old diocese of Lincoln. Regard for the express enactments of Founders will be pleaded against change; but when those enactments are unscrupulously violated in many most essential particulars, a fastidious respect for the letter on minor points has lost all principle whereon to defend itself. It is clear that the present constitution of Colleges does not in substance carry out the precise will of the Founders; and I think it follows, as a necessary consequence, that the observance of any part of the statutes can no longer rest on their letter, but must be justified by its relation to the whole of the new state of things. No real sanctity is ascribed to wills by a literal fulfilment of details, when the administration of those wills has for its general result an institution not even conceived by the testators. I do not think, therefore, that the rigorous enforcing of the condition of celibacy, in the tenure of Fellowships, can be successfully defended by a naked appeal to the words of Founders. There are many good reasons, drawn from the actual state of the University and of English society, which make it generally desirable that Fellowships should be vacated by marriage; but, on the other hand, some of these magnificent endowments might most wisely and most beneficially be applied to the support of men whose lives are devoted to learning; and, for the reasons I have here assigned, I cannot hold the Legislature debarred from carrying out some such change, if maturely devised, by the accusation of a breach of the Founder's intentions. It will probably be pleaded, farther, that these endowments partake of the nature of private property, and cannot be invaded by the State. But those who set up this plea ought to remember that the State daily interferes with the property of even living owners, on the simple ground of general expediency; and, still more, that the State *has* interfered in legalizing some portion of the present departure from the prescriptions of Founders; and, therefore, that this argument, if valid, would require the restoration of the precise state of things which existed when the foundations were created. The State, both in law and reason, is the supreme trustee of all trusts. This principle does not mean that the State has the right to supersede the first and direct Trustees; but it does assert that the State has the right to judge whether the requirements of trusts have become injurious in an altered state of society, and need alteration; and, further, that no departure from the letter of the trust can be made or justified by any authority lower than that of the State. It is the State, therefore, which, at bottom, is the authority for the present constitution both of Colleges and the University; and, consequently, its further operation cannot be excluded on the naked ground that the Colleges are a field from which it is *de jure* shut out.

Local.

Clerical.

The conditions of Holy Orders, so generally imposed upon Fellowships, is also one of those regulations of which the expediency is much diminished since the days of the Founders. Scholarships and Fellowships were intended to meet the poverty which prevented men from studying for the ministry of the church: they are now prizes of literary eminence. It is, of course, most important to secure talent and attainment for the service of the church; but I doubt whether this excellent object is really promoted by compelling Fellows to take Orders: as far as Collegiate regulations operate for its accomplishment, it is more directly attained by the patronage of livings attached to Colleges. The majority of the Students who proceed to the University intend to become clergymen. Such of those as are distinguished by merit will obtain Fellowships, and will take Orders whether the statutes require them to do so or not. Another, but much smaller, class hold their Fellowships till the time prescribed for taking Orders, and then resign them. If Fellows were absolved from the obligation to take Orders this class might become a little larger, and might retain their Fellowships a little longer; and the ultimate loss that the ministry of the Church would suffer would be a rather diminished rapidity in the occurrence of vacancies in the Fellowships, and a somewhat smaller number obtained by men intending to become clergymen. But the amount of this loss would be most insignificant, and would have no practical effect in lessening the desire of men of talents, destined for Orders, to improve themselves. The danger of men holding their Fellowships too long might easily be met by a general law, forfeiting the Fellowships after a certain number of years of non-residence; and this is a matter to which I respectfully beg to call the attention of the Commissoners on many grounds.

But why alter the rule about Orders? For the sake of the general impropriety of requiring Orders, where there is no clerical work to be discharged: but much more—for the sake of those Fellows who take Orders as a matter of course, and then, not having been regularly employed in parochial duty, regret this step afterwards, and find themselves irrevocably committed to a profession their taste for which has been gradually declining. The number of such persons, though small comparatively, is nevertheless large enough to deserve consideration, especially when the Church would not practically suffer any loss by the abolition of the restriction.

What is to be done with Fellows not directly engaged in tuition? Should residence be enforced? If so, on what should they be employed? These are questions often asked by the best University reformers. I do not conceive that the helping young barristers, or physicians, or curates, to get through the first years of their professional life outside the University, to be a legitimate application of Collegiate endowments: at any rate it is a total departure from the

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intentions of the Founders. My own notion, as I have hinted in my pamphlet, is that the institution of such a system as would keep up study and improvement after the Bachelor's Degree, and would attract larger numbers to the University of all classes, would create a demand for the services of all the Fellows, and so would justify the enforcing of residence. Those destined for the bar would no doubt be compelled to resign their Fellowships sooner than they do at present: but I do not think that they have any right to retain them whilst studying in London. And, on the other hand, the obligation of residence would, I am persuaded, lead to the establishment of such courses of instruction as would be very serviceable for the bar, and would make it well worth while for a Student of Law to spend several years at the University.

DISTINCTION OF RANKS.

11. I am unable to perceive any solid reason for these distinctions, whilst, in the case of Gentleman-Commoners, they give rise to the mischievous notions that the attainment of knowledge is not the chief end of their being sent to College, and that an extraordinary scale of expenditure is intended and sanctioned by the University.

THEOLOGICAL STUDY.

12. If the Commission shall enable Students to qualify themselves fully for Holy Orders at Oxford, and shall prevent them from seeking Theological instruction at cathedral establishments or elsewhere, it will, in my humble judgment, have saved the Church of England from a great misfortune. The work of education should be carried on under a combination of diverse influences, such as can be found at a University alone. Places of education limited to one profession become necessarily one-sided and partial; they give inevitably undue prominence to the ideas peculiar to that profession; they want the correction supplied by the admixture of other thoughts, other ideas, and other truths. One-sided feeling and a one-sided cast of mind is the result; and this, in the clerical profession, is a vast evil. The intellectual culture of the class would become narrower and more cramped if carried on solely under clerical influence: their view of Theological doctrine would be less comprehensive, less catholic in the true sense of the word, less accurate, and less fitted to obtain its just influence over the literature and thought of the country. A strong sense of separation from the rest of the people would be likely to arise in the minds of the Theological Students; and the jealousy with which the clergy have so often regarded the progress of knowledge, and to the mischievous effects of which history bears such lamentable testimony, would be perpetuated and strengthened. The sympathy of the clergy with the rest of their fellow-citizens, and consequently that of the nation with them, would be weakened, and the influence of the Church, and perhaps even its existence, brought into peril. If the Commission can succeed in instituting an efficient, solid, and comprehensive education for the clergy at Oxford, it will confer an immense benefit on the nation and Church of England.

For this purpose, I conceive that a two-years' course for Bachelors would be required. College Tutors would not be wanted to carry out the Theological instruction, but a staff of working Professors, who should teach daily, and examine the Students at the end of each term, would be necessary. There ought to be, moreover, two great examinations, with honours, one at the end of each year, with a proper distribution of subjects.

One strong objection will occur immediately to every one. A University education already entails a very heavy expense: why make such a serious addition to the pecuniary difficulty of entering Orders? I think there is much reason in the objection; and, in order not to shut out poorer Students from the University, it seems desirable that residence should be voluntary only, and that all Bachelors should be allowed to enter the annual examinations without the condition of having resided at Oxford after the Bachelor's Degree. If the Professors and Lectures are efficient the majority of Students would reside, whilst the examinations would secure a high standard of attainment in all the candidates for Orders.

13. I need not add here anything to what I have already put forth.

PRIVATE TUITION.

14. I never was a private Tutor, though I was a private Pupil. The thing itself is indestructible; for those who can afford to pay for aid in preparing for examinations will always be sure to command it: the main object is to give it a right direction. As at present carried on, private tuition is fatally adverse to the Tutor's progress; it has no tendency to improve him. The private Tutors are commonly men who are flushed with recent success in the schools, and are sought out to retail to others that knowledge which acquired for them their honours. The real qualification for being a successful private Tutor is the learning acquired in reading for honours; so that most private Tutors in turn are superseded by their juniors. In this process the private Tutor is making no addition to his attainments, and is qualifying himself for nothing; he is merely turning to account the knowledge previously obtained. I have proposed in my pamphlet what seems to me the true remedy—that private tuition should be so incorporated with the Professorial system that a private Tutor should select that branch of knowledge to which he means to devote himself; that his teaching should be improving to himself as well as to his Pupils; that this should be accomplished by his attending a senior class of the Professor, and by a guarantee furnished by the practical working of the system, that his own progress and success in teaching should in time raise him to the Professor's Chair. A well-organized Professorial system would destroy one root of much mischief in the private tuition—the cramming caused by the ever-recurring round of preparation in the same fixed books for the Bachelor's Degree.

G. O. Morgan, Esq., M.A.

Answers from G. O. Morgan, Esq., M.A., Stowell Fellow of University College, Oxford,

SIR, CONWAY, NORTH WALES.

IN reply to your letter requesting information upon various points connected with the discipline and studies of the University of Oxford, I beg to confine myself to that particular subject which has fallen under my own immediate observation; I allude to the system of private tuition to which you refer in No. 14 of your questions.

PRIVATE TUITION.

That this method of instruction is becoming every day more prevalent—nay, that it is gradually superseding that of College tuition, I believe to be generally admitted. Indeed within the last three or four years there have been few instances of Undergraduates obtaining a Pass Degree, and scarcely any of their obtaining high honours, without having previously received assistance from a Private Tutor: I will even go so far as to say, that nine out of every ten questions set in the schools (at least in the Science papers) are answered by the help of information derived from the same source. As the whole course of instruction adopted at Oxford is supposed to be mainly a preparation for the Public Examinations, of which I speak, it follows, if this be true, that the real business of education has passed from the hands of the College Lecturers to those of the Private Tutors. Before I proceed to inquire into the causes which have produced so important a result, I could wish to say a few words on the merits of a system which has acquired for itself so decided a pre-eminence.

That this system possesses advantages of a peculiar character I do not mean to deny; but that, as it is at present carried on, it is the best suited for the purposes of education I cannot altogether believe. In the first place, the great majority of private Tutors are men in age and experience but little removed from those whom they profess to instruct; who have no sooner laid in an average stock of knowledge than they are required to dispense it for the benefit of others. The interval which elapses between their passing from the condition of Pupils to that of instructors is usually too short to admit of their methodising or arranging that knowledge, much less of adding to it from original sources. In most cases, indeed, they are able to furnish their Pupils with little else than a diluted recoction of the Lectures which they themselves formerly received from their own Tutors. Thus a vast body of "cram" is perpetuated from one generation to another, which is only modified or enlarged in order to suit the taste of a particular Examiner, or meet the demand for increased acquirements.

It should be remembered, too, that Private Tutors are at present mere unauthorised adventurers, who are in most cases selected by their Pupils, according to their reputation for successfully "cramming" their Pupils for the University Examinations. The quality and value of their instruction must of course be determined by the object which they have in view. When, therefore, that object is only to make those Pupils show off their knowledge to the greatest advantage, or, as is often the case, to make them appear to know more than they really do, it is not likely that the instruction which they convey should be of the most solid or useful description. In most cases it consists, as I before observed, of a large quantity of undigested matter, picked up in a few months, and forgotten still more quickly as soon as it has served its purpose.

With regard to the effects of private tuition on the Teachers themselves I can scarcely speak more favourably. To repeat the same thing, in a mechanical way, six or seven times a day to as many men is the task which devolves upon most Science and History Tutors, and it is an occupation which in no case can be very edifying. This consideration, too, is rendered of more importance by the fact, that among the men so engaged are to be found some of the cleverest men in the University, and almost all those from whom the College Lecturers are afterwards selected. Nor do I think that they would be so much more popular than the latter body of Tutors, if they did not perform their duty (such as it is) at the least as actively and efficiently. But what really gives their method of instruction such an advantage over that of College Lectures is the undiverted attention which they are enabled to give to each of their Scholars *singly* for at least three or four hours in the week. Now I cannot help thinking that if some of the persons now engaged in Private Tuition were formed into a sort of corps of Under Lecturers in each College, the ranks of the regular Tutors might be powerfully reinforced, and the benefits of separate and direct instruction might be most advantageously combined with those of an authorised and well superintended system of education. Unfortunately, however, in by far the greatest number of Colleges the Tutors are chosen from a body of men selected, not according to their merits or attainments, but according to the grammar-school in which they have been educated, or the county in which they have been born. Into the nature of these restrictions it is not my present purpose to inquire. Some, it is pretended, could not be altered without doing violence to the intention of the Founder. Others, such as those which exclude from competition the natives of Scotland and Ireland, as well as those of certain counties in England, may have been suited to a bygone state of society, but in the present day have become simply antiquated and absurd. The result, however, in both cases is obviously to shut out from Fellowships some of the most deserving men in the University, to narrow the circle of competition to the smallest possible compass, and to lessen in proportion the chances of meeting with persons possessed of the rare qualifications requisite for a College Tutor.

Restrictions on Fellowships.

It is a well-known fact that in almost every close College it is with the greatest difficulty that two or three men can be scraped together to perform the duties of tuition. Even supposing these persons to be eminently suited for the task which they have to discharge, it is unreasonable to suppose that they should prove equal to the work of superintending the studies and conduct of 80 or 90 men. When 19 or 20 pupils have to be crowded into the same

lecture-room, without any regard to their respective acquirements or abilities, it is not surprising that Undergraduates should be driven to seek such instruction as they can get from their private Tutors, while they are, at the same time, forced to go through the somewhat useless form of attending Lectures from which they derive no benefit, and the real inconvenience of paying for instruction which they do not receive. *G. O. Morgan, Esq M.A.*

I have spoken thus strongly on this subject, because I feel convinced that unless some steps are taken for securing to each College a greater number of *efficient* Tutors, the method of private tuition, however objectionable it may be as things now stand, will remain the only one generally resorted to by the Undergraduates of the University.

I have the honour to be, Reverend Sir,
Your most obedient Servant,
G. O. MORGAN, M.A.

The Rev. A. P. Stanley,
&c. &c. &c.

Answers from Stephen Charles Denison, Esq., M.A., late Stowell Fellow of University College, Deputy Judge Advocate General.

S. C. Denison, Esq., M.A.

4, Harcourt Buildings, Inner Temple,
July 11, 1851.

Sir,

I beg to submit to Her Majesty's Commissioners the following suggestions on the 7th and 8th points contained in the printed paper which you did me the honour to send to me.

I have long thought, and every year's experience strengthens my conviction, that the Universities might most efficiently, easily, and cheaply supply a want which I believe all lawyers of the present day agree in thinking a very serious one, and the evils of which, both immediate and remote, can scarcely be overstated,—I speak of the want of an elementary education in the laws of the land. At present no Englishman destined for the bar knows where he can acquire the rudiments of the science of law; for this plain reason, that no persons exist whose special business it is to teach that branch of knowledge in the manner in which it ought to be taught. Legal Education.

A very few words will suffice to make this matter abundantly clear. The usual routine of what is now called a legal education is as follows: a youth of 22 years of age, after completing his studies at the University, comes to London to commence the study of the law. He is entered at one of the Inns of Court, is received as a pupil for a year by some eminent conveyancer, to whom he gives 100 guineas for the privilege of going daily to his chambers and seeing the business there transacted. That business is ordinarily the most technical, complicated, and difficult in the whole range of legal practice; and requires great professional knowledge and considerable experience in particular departments of the practical concerns of life. It is therefore obvious that the special knowledge there to be acquired is purely practical, and is confined to few subjects. The youth soon finds that, at the cost of 100 guineas, he has purchased the right of walking blindfold into a sort of legal jungle. Masses of papers are placed daily before him, every sheet of which contains numberless terms, as new and strange to him as the words of a foreign language, and the bare meaning of which he rarely arrives at before the clerk announces that the client has called to take the papers away. Fresh masses of papers replace those that have been thus untimely removed, and bring with them fresh grounds of vexation and despair: and thus throughout the whole year of his pupilage the youth has to struggle with difficulties which are an hundred-fold greater than they need have been, had he been fortunate enough to have learnt the alphabet of legal science before he undertook to grapple with the most subtle, abstruse, and difficult details of its practice. This unprofitable and disgusting year at length over, the youth is doomed to go through a second year of the like probation, at the same cost and almost as unprofitably, in the chamber of a special pleader or an equity draftsman; and by the end of that year he is either so bewildered or so wearied with wandering through the seemingly endless mazes that obstruct the very approaches to his profession, that he either gives up the attempt as hopeless, and becomes a clergyman (an event of extremely common occurrence with Oxford men), or finding out that he is at last beginning to feel his way a little, hopes, by dogged perseverance, to attain, sooner or later, to a knowledge of that art which he sees very many persons of only average capacity practising with credit and success. Accordingly he spends a third 100 guineas and a third year of his life in the chambers of a special pleader or an equity draftsman, and is then called to the bar. After these three years of painful drudgery, what has he acquired? A comprehensive knowledge of the general principles of law? A clear outline of the various rights and liabilities, political, civil, ecclesiastical, military, and maritime, out of which all legal questions arise in an infinite variety of practical forms? Nothing of the kind! Almost the whole of his attention has been riveted upon the *machinery* of law; he has attained some familiarity with the routine of certain branches of practical detail; he has become a handicraftsman more or less dextrous; he has stored his memory, or his common-place book, with a multitude of modern cases and precedents; but he has yet to learn the science of law, and to learn it for himself as he best may, with three of the most valuable years of his life already consumed on studies of a directly opposite character, with a mind broken into routine, under circumstances which are commonly very unfavourable to studies of an abstract character, and at a time when he is disposed to measure the value of professional knowledge by its present marketable value alone. Evils of the present state of legal education.

Is it then to be wondered at that with such an education as this the English bar have, as a

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body, the reputation of being grievously deficient as jurists, while they are eminently skilful as mere legal mechanics? That with some few bright exceptions, our law libraries contain nothing of English growth but reports, indices, and compilations, while America furnishes us with works of depth and comprehension? That our legal system should be cumbrous, complicated, inconsistent, enormously expensive, and singularly difficult to amend? That this country should present the strange and unseemly spectacle of a vast amount of its judicial business transacted in Courts presided over by men who have never spent one hour of their lives in any sort of legal study? And that our statute book should seem to be constructed rather on the principle of legislating by a curious machinery of countless conflicting enactments than by the operation of an intelligible, harmonious, well-digested system of law? But it would be endless to enumerate the mischiefs even *directly* arising from the want of legal education in England; and the *indirect* mischiefs, though seldom thought of, or perceived, and still more rarely exposed, I believe to work insensibly yet surely a wider, deeper, and more lasting injury to society than many other social maladies which are commonly thought to demand the especial care of the Legislature.

The remedy to be sought in the study of the general principles of jurisprudence

The want suggests the remedy. Let *some* knowledge of law be deemed a *desirable* element of a liberal education; let the Universities give to the youth of England *an opportunity at least* of acquainting themselves with the general principles of jurisprudence; let it be their care to rescue the Student from that cramping drudgery which now stunts his faculties at the very outset of his career; and let them send forth their scholars into the arena of practical life, furnished with the rudiments of that knowledge, the want of which is discreditable to a statesman and a magistrate, and the possession of which every educated man would find throughout life to be more or less valuable in an infinite variety of ways.

Can this be done, and how? Nothing more easy. Simply by providing a competent teacher of law. Once find a man *who can and will teach*, and let the University make it *worth his while to devote his life to teaching law in the manner in which it ought to be taught*, and the end is gained. There will be no lack of Students. A science which deals practically with the lives, liberties, property, and fortunes of all, will be found interesting to all, if it be not presented them in a revolting shape, and entangled in a maze of subordinate machinery which, though a necessary part of the mental furniture of a practising lawyer, only serves to embarrass the progress of the Student, and to obstruct the freedom of his view. But a Teacher, who is to be really efficient, must not be a mere reader of written Lectures. The *rudiments* of law, like those of all other practical sciences, must be worked into the mind more by *the constant teaching of a Tutor* than by the occasional essays of a lecturer.*

The sort of man best fitted for the task seems to me to be one who, after groping through the *dismal* labyrinths which now form the "avenues" to the law, and having experienced all the vexations of that dreary toil, has passed several years in the real practice of the profession, and attained to a general knowledge not only of the science but also of the art of law. Such a man would be able to illustrate abstract principles and general rules by actual instances fresh from his own experience, and would be able to put a new life into the dry though excellent maxims of Aristotle's Rhetoric and Cicero de Oratore, by grafting upon them examples drawn from the famous state trials of our own country, so full of interest to youth, so rich in instructive learning, but now, alas! so little read.

at the Universities.

Let the Vinerian Professorship of Law be made *a working reality*, instead of what it has ever been since the time of living memory, a sinecure and a sham, and Oxford will soon become a school of jurisprudence, which will not only invigorate youth for the more practical and severe studies of the Inns of Court, but will gradually infuse into the English law a more healthy, liberal, sensible, and scientific spirit, and thereby do an incalculable service to the nation.

I am happy to be able to add, that the above suggestions do not rest merely upon my own authority; I have had the honour of submitting them to Lord Brougham, Lord Denman, and Mr. Baron Parke, and am authorised by those distinguished persons to state that they have their entire concurrence and approval.

With regard to the pressing need of *some* general elementary education in the laws of the land, I believe no person at all conversant with the matter feels any doubt; and perhaps the following extract from a work of admitted ability may be taken as a correct expression of the opinion of thinking men upon the subject:—

"The first and chief point in the secular education of a free people ought to be a thorough knowledge and understanding of the principles on which the institutions and laws they live under are founded. *But if there is one subject less studied and less understood than another in England it is this.* Neither in our schools, our Colleges, nor Universities, is it taught; nor does the literature of the day help its acquisition. Within the walls of Parliament and without, among every rank and profession, a profound indifference or positive distaste as to a subject of so much importance equally exists. Formerly the case was far otherwise; and it is to the existence of a far different spirit that we owe the maintenance of the liberties of England."—(*Local Self-Government*, by J. Toulmin Smith, Esq., 1851.†)

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* It will be observed that I speak only of the *rudiments*. In Legal Science, instruction must be finished in *the Courts*. There every trial is a set of Professor's Lectures, more or less complete. In most other sciences, Tutorial instruction will be properly followed by attendance in the Professor's Lecture Room.

† The above complaint, that an elementary knowledge of law forms no part of *general* education, becomes more serious, when coupled with the consideration that even the present system of *special* instruction in law is pronounced by an indisputable authority to be very inadequate and unsatisfactory.

Lord Campbell says (Ch. Just. vol. ii. p. 326. Life of Lord Mansfield).—"*The false maxim on which legal Education now rests in England*,—'*every man to learn as he likes*,' (*or* '*laissez rien faire*,') receives some countenance from his [Lord Mansfield's] example. Where there is a combination of enthusiasm and

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But though the need is acknowledged, a question is made as to the best mode of supplying it. At a public meeting of the Law Amendment Society on 18th June, 1851, at which Lord Brougham was in the Chair, a motion, made by Mr. Bethell, Q.C., "That it was highly desirable that a school of law and jurisprudence should be founded in connexion with the Society for Promoting the Amendment of the Law," was carried unanimously; and the mover, in an admirable speech, exposed the various evils attending the present want of legal education, and intimated an opinion that means might be devised of supplying, *at the Inns of Court*, not *professorial* instruction, which he admitted would be insufficient, but *tutorial teaching, such as existed at the Universities in other departments of learning*, which he thought absolutely necessary. It is with considerable hesitation that I venture to differ even in a matter of detail with so eminent an authority, but having had some experience in the *tutorial* practice of teaching law *in London*, I feel satisfied that, as *a general system*, it would not be successful. Many circumstances combine to render such a method inefficacious in London, the very contrary of which exist at the Universities.

(1). As it is very important that a knowledge of the principles of Law should be deemed a desirable element in a liberal education, it should be taught at those places which usually form the final stage of *general* education, as distinct from *special* or *professional* education. At the Universities *all* youth, who were so disposed, might study it; whereas, if taught at the Inns of Court, it would be extremely unlikely that *eldest sons*, or indeed any persons except those destined for the Bar, would subject themselves to the needful restraints, or have the same stimulus which would naturally attach to an University course of study. In short, it would be *too late* to begin it when the University career is completed.

After leaving the Universities, young men are, naturally enough, quite weary of Tutors and teaching; they long for freedom both of thought and action, and will rarely recommence their pupilage and encounter a fresh series of examinations. But if the *Tutorial* system means anything, it involves all this.

(2). It is highly desirable to combine with the elementary study of Law the kindred studies of Logic, Rhetoric, Evidence, and History, all of which might be eminently useful to illustrate, enliven, and vary it, while Law might in its turn give to them a more real and practical bearing than they have at present. All this would *quite naturally* be done at the Universities, whereas it would not, and probably could not, be done at all at the Inns of Court.

(3). It is admitted in the Report of the Law Amendment Society (Eighth Annual Address, p. 9) that "the great difficulty which has impeded the operations of the Committee in establishing a Law School has been the want of funds;" that "a Law School is necessarily a costly undertaking." But at the Universities the only cost will be *an adequate salary to one efficient Teacher.**

(4). It is proposed that *in London* the teaching should be *gratuitous*. "The Lecturer should be put to no expense. *He may be willing to give his time*, but no other demand should be made upon him." (*Ibid.*) But a system of gratuitous instruction in Law can scarcely be lasting, and will probably be worth very little while it lasts.

Many other objections to the above plan will readily suggest themselves. But even assuming that such a scheme were practicable, it does not make it at all less desirable that the elements of Law should be taught at the Universities. The two plans may co-exist without in the slightest degree interfering with each other. And this much seems clear, that if the Tutorial system is practicable in London, it is so, *à fortiori*, at the Universities.

I take the liberty, in conclusion, of adding a few practical suggestions, which Her Majesty's Commissioners may possibly think not undeserving of attention.

1st. It would probably not be advisable to make Law a *necessary* portion of University studies. My reasons for thinking so substantially resolve themselves into this, that Law would be more efficiently taught to those who cared to learn it by a voluntary than by a compulsory system.

2nd. As, I believe, by the late Statute it is proposed that there should be "a course of Law in connexion with Modern History," it is desirable that this course should come at the end of the University career rather than at any earlier stage of it, and should be open to all persons, Graduates as well as Undergraduates.

3rd. There seems no reason why there should not be regular examinations in Law, and

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steady perseverance, the want of means of instruction provided by the State is little felt, and tests of proficiency by public Examination may be dispensed with; but I conceive that, in regard to the great mass of Students entering a learned profession it is necessary, by institution and discipline, to guide inexperience, to stimulate indolence, to correct the propensity to dissipation, and to have some assurance that those intrusted with defending life and property are decently well qualified for the duties which they may be called upon to discharge."

Again, in the Life of Lord Somers (Chancellors, vol. iv., p. 69). "The 'Readings' and 'Moots' by which the study of the law had been carried on since the establishment of the Inns of Court were falling into desuetude, the 'Exercises' by which proficiency was tested were now becoming empty forms, such as we find them, and the system of Pupilage was beginning. *This has since very imperfectly supplied the place of the training for the profession in England which prevails elsewhere under regular Professors appointed to teach the Law of Nations, the Civil Law, the different branches of Municipal Law and Medical Jurisprudence, with examinations and theses, to show that the aspirant is fit to be intrusted with the duties of an Advocate, and qualified to fill the offices to which, as an Advocate, he may be appointed.*"

* The salaries of the County Court Judges are 1,000*l.* per annum. It would therefore be unreasonable to expect to secure the services of a *really competent* Barrister at a lower rate; and as it is impossible to suppose that the nation will long remain blind to the wisdom of providing the County Court Judges with retiring pensions, while such provision is thought needful for the Judges of the Superior Courts, it is obvious that the like need exists in the case of a Professor. If it be worth the while of Universities to cultivate learning at all, it is surely worth their while to cultivate it in the most efficient manner.

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honours awarded to those who distinguished themselves at such examinations. Further, if those honours could be *solidified* by being connected with Law Scholarships, so much the better.

4th. It seems desirable for the Universities to put themselves into communication with the Inns of Court, with a view to having competent examiners in Law nominated by the Benchers, and to having an earlier admission to the Bar made in some manner dependent on the result of those examinations.

I have, Sir, the honour to be,

Your obedient Servant,

STEPHEN CHARLES DENISON.

Herman Merivale, Esq., M.A.

Answers from Herman Merivale, Esq., M.A., late Fellow of Balliol College and Professor of Political Economy, Oxford.

Restrictions on Fellowships.

With every disposition to extend the utility of Fellowships, both as incitements to progress and as provisions for men likely to be serviceable to the University and to society, I cannot, nevertheless, subscribe to the opinion of those who would wholly abolish "Close" Fellowships, meaning such as are confined to natives of particular localities, pupils of particular schools, &c.

I think "Close" Fellowships serve to a certain extent the public good, by at once rewarding and rendering useful the merit of a particular class of men to whom unlimited "competition" does not afford that fair chance of success to which, on a wider and more liberal view of things, they are entitled.

Advantages of Close Fellowships.

"Success according to merit" is a very fallacious phrase, and deceives many. It is no "merit" to be taller or handsomer than another man, or more clever. If you give Fellowships or other substantial rewards to the "cleverer" man, you do so not because he has "merit," but because you want him; because you think it good policy for the interests of your College, or of society, to encourage "cleverness."

"Merit," in the only sense in which the word is worth dwelling upon, means the patient and self-denying cultivation of those talents, whatever they are, with which the individual has been gifted.

I am, of course, far from saying that the present system does not result in rewards to this true kind of "merit" in many cases, but I think, in my own times, those cases were decidedly a minority. Mere "cleverness" was far more often the real power which carried the day, though, of course, not without a certain amount of industry.

This is so in life, and must be so, no doubt, to a great extent in University success also. It is proper that it should be, but not so exclusively as the existence of none but Open Fellowships would make it.

It is difficult to overestimate the advantage which quickness and natural ability give (or gave in my time) in examinations for Fellowships no less than others. Ἡ γάρ τέχνη μακρὰ, ὁ δὲ βίος βράχυς, ὁ δε καίρος οξὺς, ἡ δε πείρα σφαλερή, was a maxim as applicable to University "life" as to actual. There was much to be superficially learnt in a short course of three years. The slow and diffident missed opportunities which the bolder seized, and a single failure was with difficulty reparable.

It was impossible also to resist (particularly in examination for Open Fellowships in small Colleges) the appeal of graceful talent—of that which involved the greatest mastery of mere language, the greatest appreciation of beauty and refinement—though, of course well known to be less generally combined with industry than attainments and disposition of a more solid kind. The society of the "common room" was one of the things to be provided for, and caused predilections which could not but interfere with the severer rule of decision which made industry a predominant claim.

But unfortunately this is not all. The race at Oxford is not, or was not in my time, simply to the swift, it was also to the rich. He who could pay for a private Tutor had, *cæteris paribus*, advantages quite incalculable over him who could not, and rather particularly, I should say, in Fellowship examinations.

Few things in my own Oxford experience made a more painful impression on me than to see, time after time, the patient, laborious, self-denying man fail in competition with the dashing clever fellow, who was not worth a tithe of him, or with a man of his own order who had, through better means, enjoyed the advantage of private tuition.

But I believed then, and still believe, that such things are unavoidable, and that natural ability, and wealth too, will always enjoy certain advantages in absolutely open competition. This is no reason *against* open competition, it is only, in my mind, a reason against making it the exclusive rule. A limited number of Close Fellowships used to rectify the inequality, no doubt in a very imperfect and anomalous way, but still to some extent. They were loopholes through which substantial "merit," less assisted by natural powers, might, and often did, creep in to its proper place.

I have also a subsidiary reason for this opinion, though an infinitely less important one in my eyes, and one which, for aught I know, may have less weight now than formerly; I allude to the difficulty of keeping small Colleges properly served with Tutors and other officers. At Balliol where I had a Fellowship, the competition for the open ones was very great, and the

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successful candidates, being generally men of ambition as well as ability, who got them went rapidly off into other pursuits. The difficulty of finding Tutors among them who would remain for any time was very great indeed. Under these circumstances our three or four Close Fellowships (Tiverton School, I think, and Scotland) served us well. They furnished, in my time, Tutors who remained (I think) a long time with us; and certainly under their tuition the College continued to maintain its character in the schools.

I may, of course, be met on this subject by the example of Cambridge.

I would say in answer—1. That with all the admiration I unfeignedly feel for the great things done and doing by that University, with a consciousness that it has in many things outstripped us, I certainly think the general result of its system does show something of the disadvantages, together with the excellences, of the practice of unlimited competition.

2. That much of the evil I have above described as attendant on it is far less applicable, or not at all, where mathematical proficiency is the main thing rewarded. It is true, of course, that quickness and natural ability have there also their great advantage, but they cannot succeed without much labour and self-denial, temporary at least; and mere industry, without remarkable talent, has a much better chance of at least moderate success.

It may then be said, alter the Oxford line of study and examination (both in the schools and for Fellowships, for they will inevitably resemble each other) so as more nearly to resemble the Cambridge, so as to be of a tougher kind, more absolutely requiring concentration of intellect and severe study. This would open too wide a field of inquiry for me; suffice it to say, that I believe it impossible, in the main, except by adopting the certain sciences as furnishing the ruling test of excellence; not practicable even to a limited extent, without destroying much of that more discursive and general turn of thought—much of what we used to call, by an affected but convenient term, the Oxford ἦθος—a change which I am not prepared, without more thorough consideration than I have ever given the subject, to wish for.

I need only add, that nothing I have said here is intended in the least degree to apply to great close foundations, such as All Souls, New College, &c. &c. Those must stand or fall on considerations of a different order, into which I do not here enter. My arguments are only against the total abolition of Close Fellowships.

Extension of University Studies.

My views on this subject having been formed some years ago when I was acting as Professor of Political Economy, may require a good deal of modification to suit what has been since effected in the University, particularly (if I mistake not) by a statute of last year. But I am altogether unacquainted with these recent changes, and take the liberty of addressing you suggestions formed on the state of things as it existed in 1843, because I am well aware that you will be able to make the necessary corrections.

It appears to me very desirable at once to extend the range of study in Oxford, so as to comprehend other subjects besides those which now entitle to University honours, and also to render the professorial body directly useful in connexion with the ordinary academical course.

I would therefore add to Classical and Mathematical and Physical, a third division of honours.

(Whether the same purpose would not be better answered by leaving Mathematics to stand alone, and connecting Physics, which at present is rather an unmeaning name, with the new third division, is a question of detail which I pass over.)

Honours in this third division should, in my opinion, be attainable only after taking a common or pass Degree in the ordinary studies.

And I think a somewhat longer interval than is or was in my time used between the pass examination and the examination for this new division of honours would be an advantage, but not to exceed two terms or a year at most.

I should have no objection to making this third division very comprehensive as regards the "subjects" which might be taken up. But I would not allow more minute and restricted "subjects"—mere branches of natural science for example—to qualify for honours by themselves. *Ex. g.* I would not give a first class simply in Geology or Mineralogy, &c. It should be in connexion with a competent knowledge of other branches of Physical Science, although the special excellence should have its fair weight given it to counterbalance other deficiencies. So "Political Economy" should not suffice by itself, but only in connexion with a competent knowledge of Modern History.

On the whole, I think three, perhaps four, general heads would exhaust the classification, viz., Physical Science (independent of Pure and Mixed Mathematics), Oriental Languages, and Modern History, with the connected subjects; adding, perhaps, (but of this I am doubtful,) Modern Literature and Languages.

I would not, indeed, prevent an aspirant from "taking up" subjects under more than one of these heads; but I should not encourage it: and he should get at all events only one first or second class.

I should not be at all desirous of making these new honours common. The number should be small, and fixed, in my opinion, so as not to exceed a maximum, say of six first class and six at second each examination, and no third class.

The conditions to entitle a man to stand for these honours should simply be, 1. A "pass," as before stated. 2. Certificates of attendance on whatever might be fixed as the proper number of courses of Lectures in the subject or subjects taken up.

For various reasons I would require no other test, no preliminary examination by Professors,

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or the like. All should be open to those who had simply complied with the formal condition of attendance on Lectures. With honours in view, I have no doubt that such attendance would be a substantial thing in all cases where the Professors were worth attending.

As to the examination for these honours, I think that it would probably be best conducted by a distinct Board of Examiners appointed each time, *pro hac vice*, with the assistance of the Professor in each particular branch as required. This Board should not be formed of necessity of residents, or of Oxford men at all. With the facilities of communication which now exist, I have no doubt that by enlisting abilities from all quarters, competent Boards might easily be obtained without any cost, except that of such trifling remuneration as might cover the expenses of the examiners.

This would have the additional advantage of to some extent satisfying a want which was very much felt in my time, by giving men of celebrity and attainments, now unconnected with Oxford, an interest in her affairs, not merely as idle visitors, but as occasionally taking a part in her business and witnessing her progress.

H. MERIVALE.

Rev. John Griffiths, M.A.

Answers from the Rev. John Griffiths, M.A., Fellow and Senior Tutor of Wadham College, Oxford.

Sir,

Having been favoured with your circular letter of the 18th of November last, I hold myself bound in respect and courtesy to return some observations on the sixteen points therein specified. But I do it with great reluctance; for I assure you that neither you nor Her Majesty's Commissioners can think my remarks less worthy of their consideration than I do myself.

Expenses.

1. I do not think that "the ordinary expenses of a University education," understanding by that phrase the payments made to the bursar, can be much diminished. The demands upon parents will of course be more than these, and will vary with the economical or extravagant habits of the place. Tradesmen say, and indeed it is evident, that the Undergraduates of Oxford are now more thoughtful and considerate about expense than they were lately. This is probably owing in great measure to the necessity for economy, which has recently been felt throughout the country. And at all times the only effectual restraint upon "extravagant habits" here must be found in the care and watchfulness of parents at home; although of course the warnings, and still more the example, of the authorities of all ranks may be expected to have much weight. I think statutes or laws for this purpose would be of little avail, unless we go back to a state of society which has long since passed, and so destroy half at least of the benefit now derived from a residence at the University.

Discipline.

2. "The authorities" seem to me to possess sufficient "powers to enforce discipline." A rigid enforcement of it cannot be desirable, except where an unreasoning obedience is necessary, as in the navy and the army. In the University, where moral education is the main object of discipline, its efficiency cannot but vary with the personal character and conduct of those who have to exercise it.

Constitution.

3. "The University" seems to me to have ample "power to make, repeal, or alter statutes," with the exception of the three called "Caroline." Its facilities for exercising its power would perhaps be increased if the initiate were vested in a much smaller body than the present "Hebdomadal Board."

Vice-Chancellor. Proctors.

4. I see no reason for changing "the mode of appointing the Vice-Chancellor and Proctors," and I should most earnestly deprecate their election by Convocation. But I think that Heads of Halls, being of Doctor's Degree, should be eligible to the office of Vice-Chancellor; and that no one should be eligible to the office of Proctor who had not resided in the University for a certain time, say two academical years, immediately before his election. It would clearly be fair to alter the present proctorial cycle.

5. I am not disposed to alter the present "government of the University," except so far as is indicated in my third and fourth answers.

University Extension.

6. Assuming the *need* "of extending the benefits of the University to a larger number of Students" (of which however I am not convinced, for I believe that our public schools have taken the place and do the work of what our Universities were in former times), assuming also the existence of *pecuniary* means of extending them, I proceed to speak of the several "means" here mentioned by the Commissioners.

1. Halls.

(1.) I apprehend there is at present no statutable mode of establishing any new Hall on the footing of the five which now exist; but I see no reason why this should not be allowed, with the consent of the Chancellor and of Convocation in each instance. Any College can at present extend its buildings as it may think proper, and can make regulations for the internal government of its own members.

2. Lodgings in connexion with Colleges.

(2.) In consequence of the late changes in our Examination Statutes it is probable that Undergraduates will come into residence at an earlier period after their matriculation than they now do, and then that a greater number will continue here in lodgings after they have resided for twelve terms within the walls. Till the effects of this upon the discipline and habits of the place have been observed, I think it would be unwise to extend the experiment.

(3.) If the Commissioners here point at the establishment of Halls with Heads to govern, but with no Tutors to teach (and I do not see in what other way any large number of Students could be placed in Oxford under any new system which could promise "due superintendance"), I think the plan would be injurious to the general discipline and good manners of the University, exactly in proportion to the number of Undergraduates so placed. Till within the last few years we have usually had one such Hall in Oxford. 3. Lodgings without connexion with Colleges, under due superintendence.

(4.) The scheme here mentioned, if many availed themselves of it, would, I conceive, be ruinous to the discipline of the University. Attendance of strangers on Professorial Lectures.

7 *α*. I think an academical "Examination previous to Matriculation" would be inexpedient, as tending to bring all freshmen into residence at one time in the year, and so endangering the discipline and what is sometimes called the ἦθος of the place. Matriculation Examination.

β. I think "the length of time required for the first Degree" might well be diminished by the two "grace terms." Grace Terms.

γ. I think it would be expedient to render "the higher Degrees real tests of merit," if possible. Higher Degrees.

δ. I think an attempt to regulate "the studies" and of course the examinations "of the University," with a direct view "to the future pursuits of the Student" would be likely to complicate our system of education without producing any adequate advantage. Professorial Studies.

8. Assuming again the existence of pecuniary means, I think every one of the four points here mentioned would be expedient; provided, as to the first and second, that professorial instruction be accompanied by searching examination, and, as to the third, that the need "of increasing the number of Professorships" be shewn. Professors.

9. I think "the most eligible mode of appointing Professors" would be by very small Boards: but I should prefer the choice of the Hebdomadal Board, or the nomination of the Vice-Chancellor, or of the Chancellor, or of the Crown, or indeed any other mode, to election in Convocation. I know nothing of "the effect of existing limitations or disqualifications upon the appointment of Professors." Appointment.

10. I do not know what can properly be described as "*the effect* of the existing limitations in the election to Fellowships and in their tenure."

11. I think it both proper and expedient to abolish "the distinctions between Compounders and ordinary Graduates," and I have no doubt they will be abolished, or greatly modified, on the determination of the present vested interests. I think it proper likewise to abolish "the distinctions made with respect to parentage at matriculation," and continued to some extent at graduation; but I do not see the propriety or advantage of abolishing, even if it be desirable to modify, the distinctions "between Noblemen and other students." "Gentleman-Commoners" also I would retain, whether under that name or any other, giving them academical rank, and allowing them certain indulgences which I would absolutely refuse to ordinary Students, for instance, permission to keep a horse or to hunt. By a judicious arrangement of this kind, both in the University statutes and in College regulations, I think much extravagance might be prevented on the part of those Students whose parents cannot afford it; while at the same time I see no reason why the sons of wealthy families should in Oxford be rigorously debarred from comforts or amusements to which they are used at home. Distinctions of Rank. Gentleman-Commoners to be retained.

12. I believe that Oxford itself now possesses "the means of fully qualifying students for Holy Orders," and that there is no "necessity of seeking theological instruction in other places." Theological Study.

13. I do not see how "Colleges and Halls," except perhaps those Colleges whose foundation-members are very numerous, can ever be reasonably expected "to furnish adequate instruction in the subjects now studied and in those introduced by the recent examination statute;" if they could, I apprehend there would be no need of Professors. Inadequacy of present means of Instruction.

14. I think the present "system of private tuition" very injurious indeed, fostering indolence in College Tutors, encouraging idleness in the great mass of Students, and not supplying instruction in a healthy or improving way even to the reading men. Private Tuition.

15. "Bodley's library" would be "more generally useful than at present," if it were open during the same hours in winter as in summer; if there were attached to it a spacious and comfortable reading-room, in which conversation should not be allowed; and if books might be borrowed from it during the hours or days when it is shut. In some rare cases, as for the use of editors, I would allow books to be borrowed for a longer time, and even to be carried away from Oxford; but I do not think that a general permission to do this would render the library "more generally useful." Bodley's Library.

16. I think it would be proper to lay "periodical statements of the University accounts before Convocation," if the knowledge of them could be confined to members of Convocation." University Accounts.

I have the honour to be, Sir,

Your obedient humble servant,

JOHN GRIFFITHS,

Senior Tutor of Wadham College.

The Reverend A. P. Stanley,
Secretary to the Oxford University Commission.

Rev. J. R. T. Eaton, M.A.

Answers from the Rev. J. R. T. Eaton, M.A., Fellow and Tutor of Merton College, Oxford.

Sir,

In answer to the questions which you have addressed to me in the name of Her Majesty's Commissioners for the University of Oxford, I am happy to be able to furnish the following information and suggestions. I have been careful to separate the information I feel at liberty to supply, from the suggestions called forth by your first communication, because, while anxious to render any assistance towards the formation of your opinions on this subject, my ability to suggest must be very inadequate.

Expenses and Idleness.

The evils naturally attendant on the course of an academical education may be described as extravagance and idleness. The degree of their prevalence may safely be assumed as the test of the efficiency of any University. Every measure, however, successfully directed against extravagant living must equally tend to check idleness. And further, extravagance must be considered in itself something relative, and not of absolute application, though there be certain absolute limits of expenditure applicable to all.

In the English Universities we have two systems by which to reduce extravagance and repel idleness: I mean the University and the College.

(A) *The University.*

University restraints.

All University measures must of necessity be general—the Colleges supply a more discriminating instrument. There are but two ways, as it seems to me, that the University can directly discourage extravagance. They are—

I. By denouncing strictly all decidedly expensive amusements, as it does, or attempts to do, all dangerous and immoral ones, *e.g.*, shooting, gambling—I would instance hunting, which is at present practically, if not properly, allowed. Experience has shown that no reliance can be placed on the discipline of Colleges in this respect. When it is allowed or connived at by a single College, it is difficult to restrain it in others, especially where the amusement is not beyond the means of the Student, or the wishes of his friends.

II. By introducing a more stringent system with respect to debt. The present Vice-Chancellor's Court, though formerly much more efficient when the bills of Undergraduates were necessarily incurred within the City of Oxford, is now practically without means to enforce its restrictions, and, without an increase of powers, must remain so. I am not asserting the advisability of restoring the jurisdiction of this particular Court. I am not sufficiently informed to do so. But the system seems to me a good one as containing the following element:—

(i) It represents the idea of a single fixed Court into which the debts of all persons, *in statu pupillari*, should be brought. To this might be added—

(ii) The restriction within such Court of fixed limitations of credit-periods, that is, beyond which debts become irrecoverable by not having been presented in Court. This last precaution obtains, I believe, at some Continental Universities (*e.g.* Göttingen), where credit is in some cases unlimited, in others limited, in others unallowed.

It is more directly within the power of the University to discourage idleness, viz., by holding out such rewards, both of emolument and honour, as may supply incentives alike to the poorer and to the independent Student. For this purpose there exist at present only—

(*a*) The machinery of the Class List.

(*b*) A certain number (eleven for all subjects) of Scholarships, two of which only owe their endowment to funds drawn from the University, together with seven prizes for compositions principally of private endowment.

(*a*) There is not, I believe, any just reason to doubt that the system of the Class List has hitherto worked satisfactorily. It may perhaps be doubted whether, under the new statute, it will not be too cumbrous, while it is evident an over-distribution of honours defeats its own end. It might be considered too whether, in case of the extension of the University to a poorer class of Scholars, the *choice* of honours of a *substantial* character might not be allowed to poorer men.

(*b*) An increased number of Public Scholarships, at least for distinct departments of knowledge, might well be advocated. At the present time there is no encouragement of this kind to the pursuit of Moral Philosophy, Logic, or Scholarship after Degree, and only of certain kinds of composition up to that period. I speak only of the branches of learning which fall under my own observation, but the remark might be extended. A few open Fellowships, known to favour different qualifications, are the only encouragements to study after Degree. Surely the foundation of public Scholarships is an academical work.

Within this part of the subject would fall the consideration of any distinction which public opinion may be willing to attach to Academical Degrees. The examinations procuring these are strictly only in abeyance, and it might well be considered, especially in the case of Fellows of Colleges, whether these should not again be enforced as one mean to ensuring a more thorough prosecution of study.

(B) *The College.*

College restraints.

Any complaint of extravagance which may at present attach to the Universities will be found, I believe, on examination to belong principally to the private habits of the Student.

And these, after all, will be regulated more by character and social example than by any external legislation. *Rev. J. R. T. Eaton, M.A.*

The expenses of tuition, room-rent, and College charges, will be found on comparison to be very little reducible (University dues and the expense of Degrees are not included in this remark); but Colleges have it in their power to limit even the private expenses of Students.

(i) By direct regulations as to amount of battels and expense of furniture.

(ii) By encouraging Students to deal for articles of private expenditure, *e. g.*, wine, confectionaries, groceries, with an authorised College servant within walls, and thus bringing these expenses within the notice of the Bursar. At the same time the fatal practice of allowing tradesmen's agents to ply round for custom should be disallowed.

(iii) By careful attention to the quality of the Student matriculated, a consideration perfectly feasible in the case of any Halls or Colleges hereafter instituted for the benefit of poorer Students. It may here be remarked that experience has shown that privileged classes, such as Gentleman-Commoners, &c., tend to increase the ordinary expensiveness of a College.

The discouragement of expensive amusements is plainly competent to Colleges after it has been already legislated for by the University—while every stimulus afforded to patient, honest industry must tend to the same end. Thus, the number of Scholarships in any College, tenable only on condition of poverty (of which the Bible Clerkships, not open generally to competition, at present furnish the only type), would necessarily tend, if sufficiently increased, to maintain the character of a College as to expensiveness at a low rate.

Encouragements to idleness, at present existing in Colleges, must be considered to arise either from lax discipline or inefficient tuition. This division, it will be noticed, implies a sufficient external stimulus in the University examinations. The number, arrangement, and attendance of College Lectures form the most anxious part of the Tutor's office; but, if complete and completely enforced, can leave but little room for complaint. The difficulty of the subject will, however, be apparent when the different motives of Students in seeking an academical education are taken into account. Here, therefore, the principle of distinction, both as to particular Lectures and subjects of study, as also to residence in the same College, becomes of extreme importance; and accordingly in any scheme of University extension for the admission of poorer Scholars should be especially remembered.

Inefficient tuition in a College may arise either from insufficiency of number or misdirection of particular application. Generally, under the old system of examinations, it has been remarked that the number of Tutors in a College has been too small either for the proper prosecution of different branches of study, or for the *distributive* assistance of the College Student. This want has been brought to a head by the increased number and peculiar character of the subjects included under the New Statute, and is likely in many ways now to be supplied. The evil is attested by the great number of private Tutors, on whom, especially in the case of Class-men, the real instruction of the Student mainly devolves; the principles of his philosophy and of his practice in reasoning being most often (of course not always) really drawn from his Private Tutor, while, from the nature of the case, this is done in a cramming way. Here I can speak from much direct experience. This evil is less excusable in a large College than in a small one, the opportunity for an increased number of Tutors being greater in the former case, while in the latter it will generally be found that the salary of the College Tutor is by no means too large. Were the number of College Tutors universally increased, and the Professors Public Lectures at the same time extended and improved, it is not too much to hope that the class of Private Tutors might almost thoroughly disappear, except perhaps in the rare case of strong natural incompetency in the Student.

More might perhaps be done by Colleges in the way of special encouragement within their own walls by means of prizes and exhibitions, to be contested during the several years of a Student's residence. No fitter means could be employed of securing success in the competition for University distinctions, whether in Scholarships, Compositions, or the Class List. My remarks have been mainly directed to the state of education in the University as it at present stands; but they are equally, and perhaps more applicable, should it be found that the University can be largely and beneficially extended.

On the subject of extension I would express my conviction that much might be done by particular Colleges (if their powers be enlarged) in the way of extension within their own walls. In some certainly this object could not be carried further. But where the number of Fellows is large, of the resident Fellows few, and of the Undergraduate Members few, something surely might be accomplished (and I believe without overthrowing the objects of the foundation) towards educating, and cheaply, a larger number of Students. But where this may not be possible, I consider the affiliation of Halls for this purpose the most ready, economical, and unobjectionable mode of obtaining this object. If the privileges of educating be confined as at present to established Colleges and Halls, the duty should also be imposed on them; and I cannot but consider this avoids the difficulties of an entire change of our present system, while it is reasonable to suppose a College could afford to maintain a Hall of poor Students at a lower rate than any individual Master of Arts, who might apply for and obtain the privilege. The details of the system would not, I believe, offer any insuperable difficulties, especially if the Scholarships already existing in the Colleges for the maintenance of poor Students were made the link between the proposed grades of Undergraduate Members in the Colleges and Affiliated Halls.

UNIVERSITY EXTENSION.

Affiliated Halls.

JOHN R. T. EATON,
Fellow and Tutor of Merton College, Oxford.

Rev. T. F. Henney, M.A.

Answers from the Rev. T. F. Henney, M.A., Fellow and Tutor of Pembroke College, Oxford.

EXPENSES.

1. With a view to restrain extravagant habits, I think it would be highly desirable to transfer the functions of the Vice-Chancellor's Court, so far as relates to the recovery of debts, to the County Courts. By this method Undergraduates would be placed in precisely the same position with regard to their creditors as all other persons are, and the least expensive and most expeditious method of determining all questions relating to debts would be thus adopted. I make this suggestion from the cases which have fallen within my own knowledge of Undergraduates incurring very heavy expenses, amounting in some instances to many times the amount of the original debt, from the recognised proceedings of the Vice-Chancellor's Court. I am aware that these expenses mainly arise from such Undergraduates neglecting the citations of the Court. But when the inexperience of such persons and their negligence with respect to matters of business are considered, it would appear that the constitution and proceedings of the Court to which they are amenable ought to be free from such objections.

Vice-Chancellor's Court.

Other practicable means of checking extravagant habits, such as strict regulations respecting the admission of tradesmen within the College walls, communication with the Parents or Guardians of Undergraduates, the strict prohibition, in many cases, of expensive amusements, are, I believe adopted, and to a much greater extent than formerly, by different Colleges.

It might also be desirable (and this is a method which I have heard strongly insisted upon by the relatives of Undergraduates) that, by a practice similar to that established at Cambridge, the bills of Undergraduates with tradesmen should be subjected to the cognizance and receive the sanction of the College authorities.

UNIVERSITY STATUTES.

3. From the changes which have taken place in the habits of the University (consequent in great measure on the like changes in the habits of society at large) and also in its system of education, the statutes have become, in some points, obsolete, in others impracticable. I believe it is questionable whether or not the University is itself competent to repeal such statutes; but, if not, it ought certainly to be entrusted with the necessary powers. All obsolete or inoperative statutes ought to be repealed, and obedience should be required from persons at matriculation only to such statutes as it is intended strictly to carry into effect.

APPOINTMENT OF PROCTORS.

4. The present mode of appointing Proctors is open to very grave objections. The duties of that office relate strictly to the University as such, and have no peculiar reference to the internal government or discipline of the College to which the Proctor may belong. The Proctor should therefore be chosen from the whole body of Masters of Arts, solely on the ground of superior merit and fitness for the office, and without any preference or advantage whatsoever by virtue of being on the foundation of any particular College. It would be further desirable that he should be elected, not as is virtually the case at present, by the several Colleges in succession, according to the Procuratorial cycle, but by the University at large: for instance by the *Resident* Masters of Arts, or by those Resident Masters who are engaged in the discipline or tuition of the several Colleges and Halls, as the *Tutors, Bursars, and Deans.* The office of Proctor would then be, not only as at present, one of great responsibility, but also one of great honor and distinction; and as the Proctor would be nominated, not by his own College, but by the University at large, he might be expected to discharge the duties of his office, without any reference whatever to the College of which he might be a member.

CONSTITUTION. New Hebdomadal Board.

5. The government of the University ought certainly not to be *restricted* to the heads of Colleges and Halls. Supposing the Hebdomadal Board to consist of 24 members, it might advantageously be constituted somewhat on the following principle:—Twelve members of the Board to be Heads of Colleges or Halls, and to be elected from the Heads of Houses by the Crown, or by the Chancellor of the University: of the remainder, one half to be University Professors, elected by the whole body of Professors; the rest, Masters of Arts or other members of Convocation, elected either *by the whole body of resident Masters, or by those Masters engaged in the discipline or tuition of the several Colleges and Halls.** In the last two cases at least, the election not to be for life, but for a certain number of years, but the persons so elected to be capable of re-election. The Proctors to be, as at present, *ex-officio* members of the Board.

The above change in the constitution of the governing body of the University would be productive of the following advantages:—

1st. It would, to a certain extent, recognise the independent existence of the University, as distinct from, and superior to, that of the several Colleges.

2nd. It would partially obviate the grave and serious disadvantages arising from the restricted constitution of many of the Colleges, by making persons of learning and distinction, though not upon the foundation of any College, capable of election to the Hebdomadal Board.

3rd. It would introduce into the Hebdomadal Board a number of persons, who, being elected by the University, would immediately and directly represent the views and feelings of the University.

* It is very desirable that the election of all University officers, who are not at present elected by Convocation, should devolve on a body of electors thus constituted, as such persons may be supposed to be best acquainted with the state and requirements of the University, and most competent to choose the persons best qualified to fill University offices. They might in fact be the *Regent Masters* of the University, and constitute a House of Congregation, with the duties and privileges above indicated.

Rev. T. F. Henney, M.A.

University Extension.

6. Considering it of the highest importance that the University should be extended as widely as possible, and to a poorer class of Students than are at present able to obtain an education within the existing Colleges and Halls, I think it very desirable, that all possible facilities, consistent with discipline and due superintendence, should be granted for the establishment of new Halls, both as independent societies and also in connexion with Colleges. But of these two methods, I think that the latter would be most beneficial, as it would give the best constituted and most efficient Colleges an opportunity of increasing their numbers, and would also afford to these additional Students many advantages which they could not enjoy as members of independent Halls—for instance, the use of the College Library, Hall, Chapel, the opportunity of attending College Lectures, and a certain position in the University from being attached to a College of distinction: they might thus enjoy the full benefits of the University at a smaller expense than I think the like advantages could be secured to the members of an independent Hall. The above methods might doubtless be effectual with a view to extend the benefits of the University to a larger number of Students, but not to a *poorer* class of Students, than at present. But the above object might also be effected, and I think without impairing the discipline of the University, by allowing Students who had completed nine or ten terms of residence, to lodge in private houses instead of keeping the rest of their terms within College. By these methods it appears to me that ample provision would be made for any number of Students who might wish to come to the University; but I do not think that either of the above methods would be available for materially if at all diminishing the expenses of a University education.

Affiliated Halls.

Foundation of a new College for poorer Students.

This might to a certain extent be effected by the means indicated in Clause 3, and I see no objection to such a plan, provided that such Students could be placed under due superintendence; but I fear that such superintendence would be practically impossible. But in addition to the above method of extending the advantages of a University education to a *poorer* class of Students, the adoption of some such plan as the following appears practicable, and I think very advisable, viz., the establishment of a new College, of which the Mastership or Headship should be in the gift of the Crown, and for the endowment of which Headship a canonry of Christ Church, whenever an available vacancy might occur, should be appropriated; or some Professor, appointed by the Crown, might be *ex officio* Head of the College, with such farther remuneration as might appear requisite; that the Head of such College should not only be entrusted with the government of the society, but should also lead an active part in the instruction of the Undergraduates: if, for instance, he were a Canon of Christ Church, that on him should devolve the duty of giving due instruction in Theology.

It would appear also that for the support of such an institution, supposing the Headship of it to be vested in the Crown, it might not unreasonably be expected that the Government would consent to give up, for a time at least, the fees now paid to the State by all persons on taking Degrees, and that a further available sum might also be obtained from the accumulated funds, or the annual profits, whatever they may be, of the University Press. Out of the above funds might be applied a sum necessary for the erection, purchase, or rent of such buildings as might be requisite, and for the adequate payment of the Tutors of the society: it being of course requisite that the incomes of such Tutors should be so large in amount as to command the services of the most able men in the University, as the mode of appointment above indicated would undoubtedly secure the selection of one of the ablest men in the University to be its Head. It would be also requisite that a further sum from the funds above mentioned should be set apart for the permanent and necessary expenses of the College, as the payment of servants, &c. And whatever surplus remained, after fulfilling the purposes above mentioned, might be applied to found exhibitions for the maintenance of meritorious Students.

The object of this Institution would be to provide means of education for a *poorer* class of Students than can at present afford to become members of the existing Colleges or Halls, and, with a view of effectually obtaining this object, it would be necessary—

1st. That all private parties should be strictly and absolutely forbidden.

2nd. That any acts of extravagance whatever, as the indulgence in expensive amusements, the contracting of debts, &c., should be severely punished, if necessary with expulsion. In a word, that the society being in great part or altogether eleëmosynary, the Students should be subjected to closer supervision, and governed by stricter sumptuary laws, than are practicable in societies which mainly consist of Undergraduates of a wealthier class, and depending on their own relatives for maintenance and support.

3rd. That the Crown, or some person appointed by the Crown, for instance, the Lord Chancellor or the Archbishop of Canterbury, should be Visitor of the society; that the society should be subject to the constant and efficient inspection of its Visitor, that there might thus be the fullest guarantee that the objects of its foundation shall be fully and virtually carried into effect. With a view to this object, returns might be annually presented to the Visitor, containing an explicit account of the state, discipline, numbers, &c., of the society.

I believe that 30*l.* a-year would be fully adequate for the maintenance of Students belonging to a society thus constituted; and that besides such persons as might be appointed to exhibitions by the College itself, many poor exhibitioners from grammar-schools throughout the country, sons of poor clergymen, &c., would gladly avail themselves of such a means of education, which would be much less expensive indeed, but by no means inferior to that afforded by any existing College.

But in addition to the above class of Students, it appears to me that such an institution might be made essentially useful to the Church, and afford a great stimulus to Church

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education, were pupils of the highest promise and ability from the various training-schools in connexion with the Church, as, for instance, the training-schools of the National Society or other Church Societies, the Government training-school at Kneller Hall, and other schools of a like kind, eligible to exhibitions.

And should it be considered desirable still further to diminish the expenses of this class of Students, they might be allowed to be members of the Society, without becoming members of the University. It can hardly be doubted that, were this last class of Students to consist chiefly or altogether of persons designed for holy orders, many of the bishops would accept a course of two years' study at the University as adequate for that object, for in fact such an amount of education, added to their previous training, would imply a much more systematic and extensive education in Theology than is now obtained by any class of Students in the University.

For the success of such an institution as the above, it would be absolutely requisite that *all* persons admitted as Students should be persons of ascertained ability; for its object would be, not to provide an education for poor persons as such, but for poor persons of high promise and attainments.

It might reasonably be expected that such an institution, if carried out in a fair and liberal spirit, for the education of a poor and deserving class of Students chiefly intended for the ministry of the Church, and if protected from being diverted to any sectarian or party objects (for which the mode of Government above indicated would perhaps afford the best possible guarantee), might hope for considerable support, whether in the way of permanent endowment, or of annual contributions from the wealthier members of the Church; who, to judge by a memorial presented some few years since to the Hebdomadal Board, with the signatures of many of the most distinguished members of the University, without distinction of party, would be willing to give their countenance and support towards such an object, provided they were satisfied of the adequacy of the means adopted, and that the funds thus contributed would be fairly and exclusively applied to the purposes intended.

Without denying that the object above proposed might be partially effected by the establishment of Halls attached to some of the existing Colleges, I believe that it might be much more effectually obtained through the action of an independent society, for the following reasons:—

1st. It can hardly be doubted that a society thus constituted, the governing body being inferior in station and ability to none in the University, and the whole body of Students being elected on the ground of superior merit, would in a few years rank among the most distinguished societies in the University, for discipline, character, and efficiency—a position which could hardly be achieved by a body merely affiliated to some existing society, as such a relation would certainly imply subordination and inferiority.

2nd. By reason of its government and independent position, subjected as it would be to a constant and effectual supervision, it would afford a surer guarantee than could be otherwise obtained, that its discipline would be maintained and its sumptuary laws carried into effect.

3rd. It could hardly fail ultimately to exercise a salutary influence on the general habits and discipline of the University.

4th. I think it would be highly desirable to admit persons, though not members of the University, to attendance on Professorial Lectures, and to authorise the Professors to grant certificates of such attendance. The advantages of the University would thus be partially extended to a class of persons who might be unable, from want of time or money, to go through the full course of a University education and to proceed to a Degree, and would thus be made more generally available than at present, without danger to the character or discipline of the University, and without any interference whatsoever with the action of those societies whose object is mainly the education of persons for the ministry of the Church.

MATRICULATION EXAMINATION.

7. An examination previous to matriculation would be highly expedient, for the following reasons:—

Its advantages.

1st. It would tend materially to improve the quality of education in schools throughout the country (I do not refer to public schools, but to schools of an inferior character), which would be greatly damaged in public estimation by repeated failures of the pupils whom they might send to the University.

2nd. It would facilitate the adoption of a higher standard of qualification in the public examinations of the University, which is now necessarily lowered by the admission to the University of a badly-trained class of Students.

Having thus secured a higher degree of attainment from all Students at matriculation, I think the length of time required for the first Degree might also be diminished;—that, for instance, the passing of the first public examination might be sufficient for the Degree of B.A.—that the Student might then limit his attention, according to his taste or ability, to any one or more of the different schools, as to the school of Literæ Humaniores, of Mathematics, of Modern History, &c.; and that the passing an examination in one or more of the above schools should be required for the Degree of B.A. By such means the studies of the University might be rendered effectually subservient to the future pursuits of the Student;—he would pass, say, the first two years of his University career in a system of general training or study, and might then devote himself exclusively to some particular faculty—for instance, to Law, Medicine, Classical Literature, Theology, &c.

PROFESSORIAL SYSTEM.

8. I believe that for the great majority of Undergraduates the present system of instruction is thoroughly efficient. They could by no means acquire more than a suffi-

ciency of knowledge to enable them to pass their examinations, and for this object daily supervision and catechetical Lectures seem especially adapted. With respect to the *best* class of men, who read for honours, I think that when they have been well grounded in the elements of those branches of study which are usually commenced at the University, Moral Philosophy, for instance, and Logic, it would be of essential service to them to be mainly under the instruction of University Professors. This is practically the case at present, as proved by the large classes which attend the lectures of the Prælector of Logic and the Professor of Moral Philosophy. I believe that with such lectures, supplementary to efficient College Lectures, the necessity for private tuition is very much diminished. *Rev. T. F. Henney, M.A.*

But supposing the present University system to be so far changed that Undergraduates, after passing the first public examination, might devote themselves exclusively to preparation for some one school, that of the Literæ Humaniores, for instance, or Mathematics, it would undoubtedly follow that as a deep and more extensive knowledge might be reasonably expected from candidates for honours in their separate schools, the Lectures of public Professors would be requisite and might be made available to a greater degree than at present.

In that case it would doubtless be desirable that there should be more than one Professor of each branch of science, both because the increased number of pupils would necessitate a corresponding increase of Professors, and also with a view to create a certain degree of competition, and so to give a sufficient guarantee for the exertions and competency of the Professors.

Public Lectures, designed especially to promote a critical knowledge of the Greek and Latin languages, would be pre-eminently useful.

9. I think it for many reasons very desirable that the appointment to a certain number of the University Professors should, as at present, be vested in the Crown. The ablest Professors in the University have generally been those so appointed. With respect to the Professors now nominated by Convocation, I would propose that their appointment should devolve on that portion of the resident members of Convocation to whom I have assigned the duty of electing Proctors in my answer to Question 4. Appointment of Professors.

10. The means at present available in the University for the reward of men of high attainments and studious habits are lamentably deficient. I think that all limitations in the election of Scholarships and Fellowships should as far as possible be removed, consistently with existing rights. Without much greater facilities than at present exist for the reward of merit, I believe that any changes, however wise and expedient in themselves, would in great measure be inoperative and unavailing. Restrictions on Fellowships.

Looking at the bequests of Founders, not simply as intended for the benefit and emolument of individuals, but as means generally designed for the promotion of education and the good of the Church, it can hardly be denied that it is within the power, as I believe it to be the duty, of the Legislature, to make such amendments in the disposal of those bequests as the change of circumstances and the interests of society at large may require. This principle has been already recognized and acted upon by measures affecting the tenure and disposal of corporate property, lay and ecclesiastical. And it may fairly be taken into account that the holding of Fellowships in Colleges does not merely give a right to certain emoluments, but confers duties and functions, looking at the present position and influence of the Universities, of great public importance.

But without any such interference with the wills of Founders, I believe that changes might be made highly advantageous both to the recipients of their bounty, and also to the University at large—and that by such changes it might be practicable to carry more fully into effect the intentions of Founders than can be done at present. There can be no doubt that in many cases, if not in the majority of cases, it was the intention of Founders that Fellows should reside for purposes of study, and that Fellowships were generally intended for their support when so occupied. The non-residence of Fellows is therefore in such cases a virtual infringement, not perhaps of the letter, but certainly of the spirit of the founder's will. But it must be admitted that in the present state of society and of the University, the calling Fellows into compulsory residence would be highly undesirable—it would be a hardship to them, and of no benefit whatever to the University. A state of things has thus arisen not contemplated by Founders, and one which would therefore appear justly to demand interference and amendment. In bequests which are strictly limited either as regards locality or to Founder's kin, it would be highly beneficial both to the cause of learning, and still more so to persons who have a vested right in such bequests, that the number of Fellowships should be diminished, and the Scholarships increased both in number and value. Thus a larger number of persons than at present would be enabled to enjoy the Founder's bequests, and the funds so bequeathed would be made more strictly and extensively available for purposes of education. There would also be at any rate some degree of competition created for Fellowships, which to the candidates themselves would be highly beneficial. For it can hardly be maintained that any Fellowship, however valuable in a pecuniary point of view, is an equivalent advantage for the very serious evils arising from a certainty of succession, as such certainty very greatly diminishes the motives to study and laudable exertion, when, for the good of the Students themselves it is desirable that such motives should be strongest. Present violation of Statutes by non-residence.

It would be also desirable that Fellowships should ordinarily terminate after a given time, say after ten years. This change would be productive of many advantages. It would cause a much more rapid succession, and thus make the bequests of Founders more extensively available than at present for purposes of education. It would prevent Fellows looking to their Fellowships as a permanent means of support, which can hardly have been the intention of Founders, whereas they would enjoy such support for Fellowships to be rendered terminable.

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a sufficient length of time fully to qualify themselves for whatever profession they might adopt—and this appears to have been in fact the general intention of Founders, or at any rate it is a nearer approximation to such intention than is at present attainable.

With a view to remove anomalies in the Statutes of Colleges, and to adapt them in letter and spirit to existing circumstances, I think it would be highly advisable that every society should be enabled, with the consent of their Visitor and of some great law functionary of State, as the Lord Chancellor or the Attorney-General, to make such alterations in their statutes as the change of circumstances from time to time might require. And there can be little doubt that many societies would avail themselves of this power to make such amendments in their statutes as might to them appear consistent with the will and intentions of their Founders.

DISTINCTIONS OF RANK.

11. The distinction between Noblemen and other Undergraduates with respect to the required length of residence ought to be abolished, that all Undergraduates might thus be placed in precisely the same position in respect of the qualifications requisite for obtaining University Degrees. The propriety of abolishing other distinctions between the various classes of Students might perhaps be safely left to the discretion of individual societies. The distinctions made with respect to parentage at matriculation are superfluous and unnecessary, and should therefore be abolished.

THEOLOGICAL INSTRUCTION.

12. Abundant means are afforded in Oxford for qualifying Students for Holy Orders; and it cannot be doubted that Undergraduates would very extensively avail themselves of those means were a School of Theology established, leaving it optional with Undergraduates to pass an examination in that school, as one of the two schools through which, according to the recent Examination Statute, every Undergraduate must pass before proceeding to the Degree of B.A. Students would thus be induced during the last two years of their residence to devote a considerable portion of their time to Theology, and might during that time obtain at least adequate information to qualify themselves for Holy Orders. I believe that there is a large number of Undergraduates to whom, from having received a defective classical education before coming to the University, or from want of taste or ability for classical studies, such an extension of the present system would be highly beneficial, and who would thence derive an additional stimulus to industry and application.

ADEQUACY OF THE PRESENT MEANS OF INSTRUCTION.

13. The Colleges and Halls, as at present constituted, are, I believe, competent to furnish adequate instruction in the various subjects now studied, supposing them willing, in the choice of Fellows, to reward high proficiency in those subjects. If in any Colleges, for instance, mathematical instruction is not furnished, that deficiency might obviously be remedied by preferring, in the election or Fellowships, candidates distinguished for mathematical attainments. By the same method provision might be made for due instruction in the additional subjects introduced by the recent Examination Statute. It may also be expected that one effect of that statute will be to extend the classes and generally to give greater importance to the Lectures of the public Professors. Further, to give adequate instruction in the new subjects thus introduced, it might be desirable that two or more Colleges should jointly appoint a Tutor to give instruction in Natural Philosophy, for instance, or in Law. With respect to the former of those subjects, it is at present very doubtful whether any considerable number of Students will become candidates for examination in that school—if the usual number of candidates for mathematical honours may be referred to as a test. I do not think that such would be the case, unless distinction in that branch of study were rewarded by election to Fellowships; should the number of such Students be small, it would appear that adequate instruction might be obtained from the Lectures of the University Professors.

PRIVATE TUITION.

14. The necessity of private tuition, with a view to obtaining classical honours, has been very much diminished by the efficiency of the public Lectures in Logic and Moral Philosophy, of which Undergraduates now very extensively avail themselves. Were public Lectures also given relating to the criticism and philology of the Greek and Latin languages, I believe that the necessity of private tuition, with a view to obtain classical honours, would be altogether superseded—in the case of those Students at least who might make a diligent use of the means of instruction thus afforded them. It would be very desirable that one or more of these Professors should also form part of the Board of Examiners; they would thus have due influence, which they hardly have at present, in directing the studies of Undergraduates.

THOMAS F. HENNEY, M.A.,
Vicegerent and Tutor.

Pembroke College, Oxford.

The Right Rev. C.T. Longley, D.D., Bishop of Ripon.

Answers from the Right Rev. Charles Thomas Longley, D.D., Lord Bishop of Ripon.

EXPENSES.

1. *On the diminution of University Expenses.*—The only possible way of diminishing the ordinary expenses of a University education, and of restraining extravagant habits, seems to me to be the imposition of some restraint upon the long credit allowed to the young men by the University tradesman. Let a debt, even for necessary articles, be made by law irrecoverable in the case of an Undergraduate, when the account has been allowed to run on unpaid more than months, and I should believe that when that limit was arrived at, the young man would be compelled to pay ready money, or to discontinue his orders. It is impossible to guard entirely against the folly and imprudence of young men.

6. *Means of extending the benefits of the University to larger numbers.*

The Right Rev. C. T. Longley, D.D., Bishop of Ripon.

(1.) I have long been in favour of the establishment of new Halls, and I incline to the plan of their being in connexion with existing Colleges.

(2.) I much prefer the above remedy to that of permitting Undergraduates to lodge in private houses more generally than at present. It seems to me that in this direction the College authorities have advanced as far as they can with safety. UNIVERSITY EXTENSION.

(3.) I think the establishment of an adequate number of new Halls, in connexion with Colleges, ought to supersede the necessity of admitting Students as Members of the University, without being in connexion with any College or Hall. I should fear a relaxation of discipline if this system prevailed to any extent.

(4.) I much doubt whether such a privilege as this would be much sought; that is, whether sufficient inducement would thereby be held out to individuals to take up their residence in the University for any length of time. Should it be otherwise, and were many to avail themselves of it, then the evil would result of having a considerable body of young men resident in the University not amenable to its discipline, and thereby weakening discipline in other quarters.

7. I am decidedly in favour of an examination previous to Matriculation. The University does not do itself justice in omitting such an advantage; and if those who have passed their course there are not as well furnished with instruction and information as they should be, it may be partly traced to this cause. I am not without hope that when the recently-introduced system of three examinations, instead of two, prior to the B.A. Degree, has been some time in operation, and is seen to be producing the effects looked for in its establishment, it may be possible to diminish the length of time required for that Degree. If the length of time required for the first Degree were shortened to eight terms instead of twelve, the other four terms might then be very profitably passed at the University in the pursuit of studies immediately belonging to the future profession of the Student, and this will be my answer to No. 12. With such an opportunity for Theological instruction, and with the addition, perhaps, of two or more terms for Theological study, before the Divinity testimonial were granted, and supposing, of course, that an efficient system of instruction and examination were instituted, I think that young men might come forth thoroughly furnished for the Episcopal examination, and the necessity would be obviated of seeking Theological instruction in other places. MATRICULATION EXAMINATION.

8. I quite enter into the view of combining the Professorial with the Tutorial system. I am very strongly impressed with the importance of the latter in promoting a wholesome moral influence over the minds of the young men; but much additional advantage might, I think, accrue to them by superadding that kind of instruction which might be expected from the Professorial Chairs, as bearing more or less upon the studies in which the young men are engaged with their Tutors. It would, therefore, in my opinion, be very important to render the Professorial Foundations more available for the instruction of Undergraduates generally; and seeing that this would require that each Professor thus employed should be in the full enjoyment of all his powers and faculties, I should deem it very desirable that retiring pensions be provided for superannuated Professors whose energies were declining. PROFESSORIAL SYSTEM.

14. On the practical effect of the present system of private tuition I can scarcely speak; for it was almost unknown in Christ Church while I was public Tutor there, in the sense and to the extent, that is to say, in which it now, as I hear, prevails. It seems to me to be an additional aid and an additional expense which ought not to be required, and the system should be discouraged as far as possible. It must foster what is usually called "cramming" to a very pernicious extent, injurious alike to the intellectual improvement of the learner and to that important and wholesome moral influence which the public Tutor is so much more likely to exercise over his Pupil, if instead of devolving upon a Deputy the more laborious portions of his duty, he maintains that closer relation with his Pupil which will necessarily exist where the bulk of the instruction preparatory to the Degree is imparted by himself. I need add nothing as to the great importance of cutting off this branch of unnecessary expense arising from the system of private tuition. PRIVATE TUITION.

C. T. RIPON.

Answers of A. H. Clough, Esq., M.A., late Fellow and Tutor of Oriel College, and Principal of University Hall, Gordon-square, London, and Professor of English Language and Literature at University College, London.

A. H. Clough, Esq., M.A.

MY LORD AND GENTLEMEN,

I HAVE the honour of submitting the following considerations, in answer to your questions of the 18th November 1850.

I shall be briefer, and perhaps more intelligible, if I take question No. 6 first in order. It is with it that I feel myself most concerned, more especially as since I ceased to be a College Tutor at Oxford I have been connected with an institution expressly formed for the extension of University teaching to classes hitherto excluded. UNIVERSITY EXTENSION.

I think it might not unfairly be argued on the one side that the cry for extending and opening the old Universities proceeds greatly from persons whose petitions no prudent Legislature would regard; persons eager to have their children educated as gentlemen, without the prospect of their maintaining themselves in after-life as such. I should not, however, ascribe these

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Arguments against it.

feelings so largely to newly-risen people as to those who, having themselves enjoyed University education, are reluctant to dispense with it for their sons—clergymen with small stipends, who wish to bring up families of clergymen, and unprofessional gentlemen of narrow incomes, who are reluctant to take the first step of inevitable descent, by sending their boys to the desk and the office. And certainly some degree of extra-chance it might be well, in consideration of their birth and breeding, to allow to the offspring of liberal parentage. Yet, on the whole, it is not a wise policy to put off the evil day; and to lend a factitious support to an impoverished upper class is contrary alike to the genius of England and the tendency of the times.

To all such irrational aims the present scale of expense at the two Universities may be said to oppose a wholesome check. Being, as they are, simply finishing schools for the higher classes in general, their habits naturally represent the habits of those classes which in England are naturally expensive. They are also, indeed, preparatory for the higher professions, and to these it is fair there should be access for the less opulent. Such there is. Even at the two Universities, Exhibitions and Scholarships give facilities already great, and capable of becoming yet greater. But men may arrive within the pale of orders and the bar by other entrances also. Meantime, it is perfectly fair that those who have had the largest means for educating and improving themselves should have the freest access. The most liberal education must, on the whole, be obtained by the least-stinted expenditure; and from those who have received the most liberal education the liberal professions should be mainly recruited. Will it be said that in a country like ours the term "upper classes" has an ampler significance; and the expression "liberal" or "higher professions" should be construed to include, not only barristers, physicians, and clergymen, but solicitors, general practitioners, merchants, manufacturers; and that it is very desirable that the benefits of a liberal education should be extended at least to include these? Perhaps so. But first of all, is it certain that such an indiscriminate admission would not destroy the subtle superiority which it is the object to communicate? Do we not run the risk of debasing and vulgarizing the very means we wish to use for elevating and purifying? Secondly, even supposing people of this kind can afford to come, or supposing you reduce expenses to let them come, is it yet quite certain that, even so, they will come, or can come? that they want to come, wish to come, or have time to come?

At University College, London, the usual period of stay is from 16 to 19 years of age; the number of Students in Arts a little less than 200. Many of them become barristers, many solicitors; some go into mercantile business; some, after one or two, or perhaps three years study of Arts, pass over to Medicine: a very few go to Cambridge. Does not this mark the maximum of College education which parents of the classes in question are inclined to allow their children? Would it be well to have Oxford and Cambridge crowded with boys of 16? Would not they be better at good schools? and can it be hoped that these ciphers, 16 to 19, will be altered? For the young solicitor must, I am informed, be articled for five years; five years is the common apprenticeship in the merchant's office. And, furthermore, parents who design their boys for these walks of life have, I believe (fathers at any rate), a strong persuasion that it is *in itself* undesirable for them to wait beyond 19 before they set to work. Merchants think 15 not at all too early. And with this is conjoined an equally strong feeling that at the old Universities they will learn little that will do them any good in their after-occupations, and are pretty sure to pick up very unbusiness-like habits, tastes, and views of life.

All the several points that I have supposed to be urged appear to me reasonable in their degree.

Only, first of all, it is quite clear that the two last-stated exclude each other. If the number of probable new comers is small, the danger of vulgarizing the old Universities cannot be great: if the danger is real, the extension will not be imaginary. Perhaps we may find reason to hope that between these two ways there is a third. The increase in numbers may be large enough to justify some change, while it will not be so large or immediate as to make that change excessive.

Arguments in favour of it.

Though there certainly is a good deal of reluctance to allow much time for education before business, yet it seems to be true that the opposite feeling gains ground. If fathers are on one side, mothers are on the other. It is not uncommon for a merchant to send his son abroad, after leaving school, for a year's experience of the world. The apprenticeship both for solicitors and merchants, it is said, might be abridged with advantage. Indefinite fears of extravagant and dissipated courses, the notion of unfit habits and ideas and useless studies and tastes, would undoubtedly operate long enough to make the change extremely gradual. But if those fears are, as I believe them to be, exaggerated, and that notion only half true, experience would surely, however gradually, lessen the former and modify the latter. The sphere which already includes the London banker, would presently be extended over other commercial classes. More and more young men, sons of the more affluent parents, destined for business, would be brought under the influences of the ancient national education. There would, perhaps, be a pressure for earlier admission than is now usual. Yet the data of University or King's College, London, must not be overstrained. They prove, perhaps, that classical and mathematical instruction, even when modified for modern views, is not a sufficient attraction. But Oxford and Cambridge have others.

On the whole, I venture to conclude that there are a great many young men who ought to come to the old Universities, and who would come. What keeps them away is, I believe, rather the want of confidence than the actual amount of expense. Single Colleges, I am told, in which confidence *is* felt, are applied to by numbers, who, if refused admission there, do not come to the University at all. I would suggest to Her Majesty's Commissioners the analogy of the public schools. Twenty years ago somewhat of a similar feeling prevailed respecting them. May not the next twenty years as greatly extend the University system as

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the last have the public schools? I do not at all say that these, as they now are, are perfect, but they are extensively useful; and any change which experience shall prove to be needed will not knock at those doors altogether hopelessly. The vessel is in motion, and its course may be guided. And certainly, if I may judge by personal recollections of the conduct of that change, during what may be called its eight first years, under the most vigorous and effective of the reconstructing hands, a good deal of unfearing experimentation may and should in such cases be hazarded.

Religious tests.

I have said nothing of young men excluded by religious tests. The number excluded simply by these considerations is not perhaps very large. Yet the fact of their existence contributes amongst many others to a suspicion of the Universities, especially Oxford. And it is quite clear to me, from my own experience, that many young men, sons of rich and influential Dissenters, who ought to go to Oxford and Cambridge, and whom Oxford and Cambridge might make very much what they pleased of, are kept away, as it is, merely by University tests. To chapel attendance most would conform; to everything perhaps, except a declaration which their parents cannot easily regard as honest.

Halls.

Independent of any relaxation of this kind (however much I desire it), looking simply to the previous consideration, I believe in the possibility of a gradual, sure, and ultimately large extension of the old Universities. And of the four plans suggested under Question 6, No. 1 appears to me the most expedient. First, because it allows the greatest scope for individual Colleges, in which confidence is felt, to extend their limits and avail themselves of their popularity. Secondly, because the existence of a considerable number of Halls would allow of a great variation in the scale of expense without any marked division of the University establishments into rich and poor. Thirdly, inasmuch as it would best meet any desire on the part of the parents to send their children at an earlier age. Such a desire I wish not to check; because I think it would open the Universities to many at present excluded, and would open other careers to many who at present are driven reluctantly into orders, or unprofitably to the bar. Parents of the upper classes would have less dislike to send their sons into business, if business were less inconsistent with a previous liberal education, and with the acquisition of well-educated associates; and young men going into public offices, and those intended for physicians, would also be more likely to seek admission. Nor must it be forgotten that a reduction in the age of academical residence is a reduction in the total expense of education. If a year's schooling is saved, two or three years of College may be better afforded.

The second, third, and fourth plans might be adopted for Students entering after a certain age.

Matriculation Examination.

7. Considering how early the first of the three now existing examinations will meet the Student, I do not feel that an examination previous to matriculation is in any way a desideratum. Very few young men would enter the University merely to stay for so brief a period as will now be allowed them free from any test of proficiency.

Nor unless it be thought desirable to grant the title of B.A. to such as pass two out of the three examinations at present imposed, and to make the third preliminary to the M.A. Degree, can I perceive any benefit in rendering the higher Degrees real tests of merit. Such a system, however, in which for the B.A. Degree the two first examinations must be passed, and for the M.A. Degree, besides the third examination, the same amount of University standing might be required as at present, I do think would be extremely desirable. Even as it is, I incline to think that a certain number will leave after the second examination; and I am desirous to encourage any plan which will obviate the difficulties of expense and loss of time without lowering the character of our institutions.

It occurs to me also that the question of religious tests might be simplified by such a proceeding. Omit the signature to the Articles at matriculation, and at the Degree conferred on those who pass the second examination, and few will quarrel with its preservation at the later stage. At the same time, I must here profess my own feeling that the preservation of any such test at any stage is profoundly inexpedient, morally detrimental to many who take it, and a slur upon the generally-tolerant character of Church and State in England.

Professorial System.

8. For the generality of young men between 19 and 21, much more therefore for boys under 19, I consider the Professorial system by itself inefficient. I incline to believe that if it does convey some information which will not simply enter at one ear and issue at the other, and if it does awaken some ideas that do not again become wholly dormant, yet, in point of mental discipline, it leaves the patient much to his own resources. To convey information and awaken ideas is perhaps more than is always done by the College Tutor; and the voluntary character of study under a Professor will sometimes no doubt, by leaving the responsibility to the Student, stimulate energies which the more compulsory method never affects. And doubtless, also, the position of the Professor lecturing on his own subject at the utmost one hour a-day is a position far more likely to be fruitful in study and productive of information and ideas in the Teacher himself, than that of the Tutor with his three hours a-day of subjects not always his choice, very often his unpleasant necessity, and belonging to the most various and heterogeneous departments. I can conceive nothing more deadening to the appetite for learning than this three-hour a-day tuition, leading as it does in general, and always must be expected to do, to no ultimate learned position—a mere parenthetical occupation uncontemplated in the past and wholly alien to the future. Were a College Tutor enabled to look forward to a probability of settling in life as a Professor, the anticipation of that contingency might be a stimulus to the present reality. The existence of numerous Professors would, I doubt not, tend to improve the much more numerous class of Tutors. Young men would no longer so generally be content with trading on the acquirements they have brought out of the schools, if they felt that additions to that capital would be likely to bear interest; would be permanently profitable; would in any way have anything to do with

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future duties and with future rewards. Such a character the destined occupant of law-chambers or a country parsonage cannot in common sense ascribe to the more intimate and exact and elaborate and scientific study of Greek and Latin and Mathematics.

I quite think, therefore, that the effective existence of numerous Professorships is essential to a great University as a means, firstly, of raising the character of University Teachers in general; and, secondly, (which I have not so much dwelt upon,) of elevating the different studies in the eyes of the Students.

Tutorial System.

But, at the same time, for the discipline of the Student's mind I account the private or class Tutor no less essential. The Professor, some one has observed, cannot get *behind* his pupil. If he has a large, *i. e.* a professorial class, he cannot work *with* his class; and no probable amount of periodical examination will operate so thoroughly as this daily test. He examines now and then, but for the most part he addresses; the young men will run away perhaps with fine ideas, supplied perhaps (such is said to be the case in foreign Universities) *ad captandum*, according to demand: they will be caught with a flame of intellectual ardour, doubtless a precious thing, but only too often transient; they will hurry into eager, much rather than steady, prosecution of private studies. For chastening and correcting, for sobering and undeceiving, for the undersoil cultivation which brings more than the mere spontaneous growth, some closer than Professorial contact is needed; needed by the clever, who go beyond, as much as by the dull who fall behind. From my own experience I should say that, in a select class, almost as much good is derived by one Pupil from the other Pupils as from the Teacher. The provincialities of different schools are rubbed off; the peculiar excellencies communicated. This benefit, again, cannot be expected in a Professorial assembly; and, in general, I am loth to run a risk of exchanging for the combined conceit and inexperience of the attendant on Professorial deliveries the modesty of the tried and practised working Pupil, such as the Tutorial system should, and often does, produce.

In this way, and other ways also, I recognise the necessity of a Tutorial system. But whether the College Tutor system as it now exists at Oxford is the thing it ought to be is a very different question: I did not find it very efficient. The obvious and flagrant evil is the herding together of the most unequal capacities. Boys from the Remove and boys of three years' standing in the Sixth Form of public schools are indiscriminately set to work together, at Herodotus perhaps, which the former has never begun, and the latter may have read nearly through. And as the Tutor, unlike the Professor, must condescend in some degree to the lowest of his class, the more advanced Pupil, fresh from an accomplished Head Master's best instructions, must listen, if at all, to the crambe of rudimentary Syntax and even Accidence. (I incline to think also that this reacts on the Tutor, who comes to believe that these elements are not so far from the sum of knowledge, and having to lower himself to the needs of the Remove, cannot always find elasticity to recover the level of the Sixth.) What the remedy for the evil is I do not decide. It is, perhaps, a matter for the consideration rather of College authorities. Two Colleges in alliance might perhaps solve it by co-operation. But anything likely to raise the general position of the University Teacher would tend to correct it; and the more advanced Pupils would, at any rate, in the Professor find some compensation for the inevitable deficiencies of the Tutor.

Restrictions on Fellowships.

10. What may have been the original purpose of Fellowships it is too late now to inquire. The most important function which they perform in the University that now exists is certainly one not originally contemplated—the education of the Students by College tuition. If it should seem fit on general grounds to modify that system of College tuition by the enlargement and invigoration of the Professorial teaching, it seems only natural that this purpose, as the other, should be served by the instrumentality of the Fellowships. Elevated as they have been from mere Collegiate to University importance, it seems fitting that in any change of University method they should take their part, and not be degraded back again into their former comparative insignificance.

We must regard Fellowships, therefore, as endowments at present employed for provision of University tuition, and capable of being employed for provision of University Professors. We must also, however, bear in mind another function which at present they perform, offering as they do a stimulus and reward for academical exertion and an assistance in the early part of their career to promising Students in the liberal professions.

Restrictions

Restrictions which narrow the limits within which the Teachers of the University Students can be chosen, and which tend to confer the rewards of academical exertion on men of inferior merit, appear *primâ facie* simply absurd and unnatural. That a College should take as the future instructor of its Undergraduates not A, the distinguished and able candidate, but B, who was born in the county of Lincoln—should be compelled to elect to what is, in fact, an University office the worse and not the better man—seems wholly inconceivable. That C, who has no talent and no reputation, should, because he was educated in perhaps an obscure fourth-rate school, receive payments per annum which would enable D, a man of the highest promise, to go to the bar, seems hardly less incongruous.

to localities;

Distinctions may indeed be drawn between one restriction and another, and subtle refinements may be devised in defence of the worst no less than of the least bad. In behalf of limitations to persons born in particular localities may be urged the encouragement hereby held out to possible future benefactors whose affections are similarly local. This consideration may be pronounced, first of all, obsolete, for such benefactions have as a rule ceased, and, secondly, irrelevant, on the ground of the inutility and inexpediency of the benefactions. The existence of an additional Lancashire or Lincolnshire Fellow is no sort of object to the University.

to schools;

Limitations to scholars of particular schools are certainly different. It may be questioned, however, whether even King's College Cambridge and New College would not be better and

healthier successors to Eton and Winchester if a considerable admixture, to the amount say of two-thirds, were admitted from other quarters. It is not desirable that even an Etonian should remain exclusively an Etonian when he is a member of the University.

to "Scholars;"

Limitations confining the choice to Scholars or other Members of the particular College may be defended on the ground of the benefit of previous probation. Yet they operate strongly to produce a narrow and exclusive tone, and to foster jealousies between College and College. Is it not likely that without any such limitations the College feeling would operate sufficiently to ensure often a *cæteris paribus* preference to the College candidate? and is it not frequently the case that Scholars destined by College statutes to Fellowships consider themselves privileged to some degree of Undergraduate idleness? At the age of 18 it is too soon to commit the College to an irrevocable choice of its future Instructors and Managers.

to poverty;

Limitations in respect of property, excluding as they sometimes do from the Tutorial office the very men most qualified to fill them, must be considered pernicious: tending as they do, on the other hand, to direct into its right channels pecuniary assistance in the earlier stages of a profession, they may be thought beneficial. But of the two functions which I see Fellowships to be exercising, the Tutorial appears to me far the most important; the other in comparison holds a secondary place. I incline to believe that something might be left to the discretion of electors. The limitation I should wholly remove.

to the clerical profession.

Limitations, finally, which prescribe a particular, and usually the clerical, profession—these also I desire to see, if not wholly abolished, greatly reduced; that a fourth part of the Fellows should be *ex-officio* in Orders ought, I think, to be the utmost allowance. A greater number probably would always spontaneously be so, so long as the Colleges shall retain their Church patronage. A clerical element in College tuition, I suppose, is demanded by the feelings of the age; naturally enough: but if Fellowships are to be connected with Professorial duties, that clerical element ought not to predominate.

And to this great business of furnishing Professors I conceive the old College endowments now to be called. Even if we suppose them all thrown open to general competition, and the cleverest and ablest and most promising proficients of every year incorporated into these foundations, still I imagine their utility would not be commensurate to their magnitude, the supply would exceed the demand. There are not certainly at present a sufficient number of really superior Students annually produced to fill the annual number of College vacancies. Even with the few doors that are at present open there are not so very many of really high merit that are excluded.

Annexation of Fellowships to Professorships.

Let every College in proportion to the extent of its foundation be called upon to supply one, two, three, or four Professors to the University; let the distribution of this demand and the appointments be superintended by some University Board; and, in favour of these Professor-Fellows, let the restriction (which I have not hitherto alluded to) of celibacy be abandoned. Let the analogy of Christchurch be carried out, and let there be in connexion with every College, as with Christchurch, resident married University Teachers.

With the prospect of succeeding to such Professorships, and with the opportunity also of presiding over Halls, quite a sufficient number, I think, of accomplished and able men will be tempted to devote themselves to University pursuits. To do away altogether with the restriction of celibacy would probably do more harm than good by retarding and clogging the succession, and would almost entirely destroy that secondary benefit of the Fellowships, the assistance, namely, which they render to distinguished and promising Students in the commencement of a professional career.

13. Upon this question something has been said in the answer (just above) to Question 10.

PRIVATE TUITION.

14. To this subject also reference has been made in the answer to a previous question, No. 8. I would only add, or repeat, that to a great extent private tuition appears to me inevitable, and to a considerable extent desirable. It is neither possible nor just to prevent those who are rich from making use of their money for procuring extra educational advantages; nor is it either desirable or just to prevent those who are backward and behind their classes from maintaining their position by assistance out of the classes. That the University examinations, especially for honours, have been to an immoderate extent influenced by the system of private tuition and by individual private Tutors may be admitted: the examinations have been "worked" more by them than by the College Tutors. Neither let it be denied that this influence has not been wholly beneficial. But if we inquire why this influence has been put into their hands, and why it has not been wholly beneficial, is not the answer simply that they have not found worthy competitors either in College Tutors or Professors; and if we ask what is the remedy, is not the answer simply the improvement of the College and Professorial systems.

May it not be said, as it is, that the most influential private Tutors have been the very men who would most naturally have been Heads of Halls or University Professors? Private tuition, as it is, may be called the only permanent business open to married residents. Is it unnatural that able and distinguished men should marry? and, devoting themselves to what they consider their fixed occupation, should, to a certain extent, excel their migratory rivals in the Colleges? Is it strange that they should know more about the examinations and be often made Examiners? Is it surprising that Students should betake themselves to Teachers of ability and distinction, devoted to their business, and intimately concerned with the examinations? Is it astonishing that the College Pupil should wish to have something more immediately to his purpose than Lectures in Herodotus chiefly intended for Students who were three years behind him at school? In default of Professors in Greek and Latin, is not the private Tutor his only resource?

A little modification of the Tutorial, and some reconstruction of the Professorial system; let there be but Professors for Students to go to, and Professorships for Tutors to aspire to, and the whole thing will surely change. The Examiners will be chosen from the ablest men; but

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the ablest men will no longer be private Tutors: the prestige of ability and energy and connexion with the system will either keep the Student to his College class, or send him abroad merely to the Professor's. The demand for private tuition will decrease, and the article supplied be at the same time rendered less attractive; private Tutors will be less wanted, and the bestTeachers will no more be private Tutors.

There are some, perhaps, who think that the whole system might be most efficiently carried on by Professors and private Tutors combined. To this my objection is, first, the far greater expense of private tuition, and, secondly, the great benefit of smaller classes in the way of stimulus and example. The advantage which, as things are, the system of private tuition possesses beyond the individual merit of the men, is one which we hope to extend to their rivals, freedom from close-Fellowship restrictions. Nobody inquires what county his private Tutor was born in, what school he was at, or whether he is going into Orders; nor is it essential that he have not got a wife. True again, in the selection of his Pupils, he, on the other hand, is not confined to College walls. If private Tutors were to set about forming classes, there is no doubt they would make better classes; for there is no doubt they would not proceed on the principle of juxtaposition. A, a proficient from Christchurch, would be put not with X, Y, and Z, unproficients also from Christchurch, but with B, C, and D, proficients from Balliol, University, or elsewhere. Of the advantages of class tuition as opposed to single tuition I entertain no misgiving; I dare say it might naturally spring up amongst private Tutors; but I see no reason why a juster principle of classification and combination should not re-invigorate the class tuition of the Colleges. I see no reason why A, B, and C should not be united in a College class, and the *viva* disjoined from the *mortua corpora* by Collegiate or inter-Collegiate arrangements. Meantime, I should be loth to extinguish thus hastily and irrevocably a system which, in some instances, certainly has displayed a very strong and healthy vitality. I am loth also to sacrifice the lands and moneys of the College foundations as endowments for Tutors, however much it may be desirable to transfer a part of them to Professors. Certainly the evils of competition have been felt among private Tutors almost as much as the evils of endowed monopoly in the Colleges. Some stimulus of the competitive kind may be useful; but some freedom from dependence on the Pupil is surely no less desirable. The honourable rivalry between College and College will perhaps hereafter suffice to give the former; the latter can hardly be obtained without endowments such as the Fellowships provide.

A degree of "*commercium*" between College and College appears to me essential to give the College Tutors the advantages which have been hitherto the privilege of the Private Tutors. But I must consider the improvement of the former to be as much more hopeful, as undoubtedly it is less revolutionary, than the attempt to organize the system of class tuition amongst the latter. It is certainly a possible scheme to abandon altogether what to many persons appears altogether useless, the course of College Lectures, and to expect the College Tutor simply to direct his Collegiate Pupil to the most desirable Professorial or private classes. It is possible that bolder measures might be the better; but I have sufficient faith in the vitality of the present Tutorial arrangements to make me incline to the milder course, which would seek to attain the same ends with these.

I have the honour to be,
My Lord and Gentlemen,
Your obedient Servant,
A. H. CLOUGH.

Rev. G. Rawlinson, M.A.

Answers from the Rev. George Rawlinson, M.A., late Fellow and Tutor of Exeter College, Oxford.

14. The system of private tuition, and its effects both on Tutors and Pupils.

PRIVATE TUITION—its *extent*.

On this head I venture first to offer to Her Majesty's Commissioners such statistical information as I happen to possess with respect to the *extent* to which private tuition prevails in the University.

1. Proportion among my own pupils at Exeter, 30 to 5.

1. During four years and a half, from January 1842 to June 1846, I held the office of College Tutor at Exeter College. I kept an accurate account during that time of the number of my Pupils who had recourse to private tuition during the period of their residence. I find that of 35 Pupils who completed their College residence during that interval, *five only* had at no time the assistance of a private Tutor. Of these two were candidates for honours, one of whom was enabled to dispense with the assistance of a private Tutor by the aid which he received from his brother, a First-classman and Tutor of a College. The remaining 30 read with private Tutors for periods varying from one to six terms, and averaging somewhat more than three terms. This is exclusive of tuition received in vacations, of which I do not possess an exact account. I think the whole average expense to each man must have reached 50*l*. Of these 30 Pupils, 16 were candidates for honours, 14 aspired to no more than a common Degree.

2. Honours scarcely ever attained without Private Tuition.

2. In the course of my University experience, dating from January 1835, I have known *personally* but of two cases, besides the two mentioned above, where a candidate for honours dispensed altogether with the assistance of a private Tutor. In one of these cases the result was, in the judgment of all who knew the person, a forfeiture of the highest honours. The candidate, whose abilities and scholarship were fully equal to the ordinary run of First-classmen, obtained only a second class. There was nothing to account for the failure, excepting that he had not read with a private Tutor.

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In considering the effects of private tuition both upon Tutors and Pupils, I think a line must in the first place be drawn between the tuition of candidates for honours, and that of the ordinary Passmen. The mode of preparation in the two cases is very different, and it is rare to find a private Tutor who unites both branches of the profession. If some few for a time have Pupils of both kinds this is sure to be temporary. In a little while a private Tutor settles into a *Class-coach* or *Pass-coach*, and no one has as yet attained to eminence in both branches.

Two sorts of Private Tuition—1. that of Passmen; 2. that of Classmen.

I. Private Tuition of *Passmen*.

I am of opinion that the private tuition of Passmen, although not of necessity injurious either to the Pupils or the Tutors (further at least than in so far as injury accrues to all persons engaged in the *drudgery* of teaching), yet is apt to degenerate into a system of what is called technically "cramming," whereby both parties are morally and intellectually harmed. The Tutor is led to study not how he shall explain things clearly or arrange them rightly, but how he shall best impress them on the memory; and the Pupil is, first, encouraged in idleness; next, made to waste the time which he is willing to devote to study, for "cramming" confessedly does no permanent good; and finally, taught to regard fictitious as of equal value with real knowledge. And the moral tone of both parties is lowered by the feeling that it is the semblance and not the reality of knowledge that the one party is engaged in imparting, and the other in acquiring. Besides all this, there is a great additional danger when the subject-matter of the "cramming" comes to be Divinity, as is frequently the case. Reverential treatment of the Scriptures is then barely possible.

Its evils.

Exception.

It must be borne in mind that there are a large number of Pass-tutors in the University who systematically and determinedly refuse to "cram." In such cases no worse effect results to either side than is inseparable from all teaching, where the Pupil takes no real interest in the subject, and the whole object is to pass an examination. Men who consent to make such drudgery the labour of their lives, if naturally persons of any high intellectual power, undoubtedly harm themselves, check the growth and development of their faculties, and make no progress in knowledge; but not more decidedly than those who undertake the duties of the schoolmaster. The Pupils of such men often profit considerably by their familiar intercourse with a person who, notwithstanding the injurious effect of his vocation on his own mental growth, is yet in intellect and cultivation very much their superior.

The evil preponderates.

On the whole I am inclined to allow that the evils attaching to the private tuition system, as respects Passmen, are in point of fact very great. Tutors who refuse to "cram" are rarely popular, and as Pupils have, for the most part, free choice of their private Tutor, the great bulk of Undergraduates who go to a private Tutor to assist them to pass, choose one who will consent to "cram" them. The effect of this is, that the Tutors who "cram" have far the larger proportion of the Pass-pupils; and further, a premium is set upon "cramming" itself, whereby many who feel the evil of the practice are induced to come into it.

Remedies.

1. Prohibition inoperative.

I do not think that it would be possible, even if desirable, to put a stop to all private tuition of Passmen. Its prohibition would only throw it into the hands of a lower class. Men would not be deterred from seeking aid wherever they thought that they might best obtain it, by any prohibitive laws; and Colleges would be inclined to connive at the evasion of regulations upon such a point, from the feeling that a man must be allowed to obtain the knowledge that is to qualify him for a degree in whatever way he finds best for himself, and that it would be hard to forbid him any help, when his bread depends (as it commonly does) on his success. Where a College has made prohibitive laws, limiting men's freedom of choice, it has not been found possible to maintain the prohibition. It is notorious that Christ Church men seek the assistance of private Tutors not belonging to their "house," *more* than the members of any other College.

For an improvement of this part of the actual University system I should look to two things chiefly—

2. Increase in the number of College Tutors very desirable.

1. A diminution of the necessity of private tuition by a large increase in the number of College Tutors. I think it highly desirable that a far larger staff should be employed in tuition in each College, and that the number of Pupils assigned to each Tutor should be smaller. If, instead of 20 or 30 pupils, each Tutor had but 10 or 12, he could act towards his Pupils as their private Tutor, and further private tuition would rarely be required by the Passmen.

3. Better superintendence of men by their College Tutors.

2. More careful superintendence of men by their College Tutors in respect of their private tuition. The rule in Exeter, when I was Tutor, was, and I believe still is, that no private Tutor arrangements should take place except upon consultation between the Pupil and his College Tutor. Prohibition of any particular private Tutor was not resorted to. Objections and recommendations were (except in a very few cases) found sufficient, and Pupils went to private Tutors in whom their College Tutor had confidence.

4. Examiners might discourage "cramming."

I think also that "cramming" might be discouraged by a more determined refusal of *Testamurs* to those men whose Examinations show them to have obtained their knowledge in this way.

II. Private Tuition of *Classmen*. Highly beneficial to Pupils.

With respect to the private tuition of candidates for honours, I regard it as a most important part of Oxford education, and as working most decidedly for good. Among my contemporaries I have scarcely known any one of much intellectual power who did not feel that he had derived the greatest benefit from the instructions of his private Tutor. Individually I most entirely participate in this feeling. I feel that I derived very much more benefit from three terms of private tuition than from all the other instruction which I received as an Undergraduate.

Its advantages:

The advantages of private over public tuition are the following:—

1. Privacy.

1. The close contact into which Tutor and Pupil are brought by the complete privacy of the instruction, enabling the Tutor to concentrate his entire attention upon the particular case,

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to address himself to the individual difficulties of the man, to illustrate in the way most intelligible to him, to lecture up to the level of the hearer's capacity, neither above it nor below it, and enabling the Pupil to throw off all *mauvaise honte*, to state his difficulties freely, and to get instruction exactly on the points on which he feels that he requires it. I regard this direct personal contact and privacy as invaluable to the Student, and as the *only* means whereby rapid progress is made in the higher branches of knowledge. And I think it is evident that the Greek philosophers, whether of the school called Sophists, or of any other, felt the high value of this method of instruction, and taught all promising Pupils SINGLY, and not *in Classes*.

(Of course if College Tutors had time, besides lecturing to Classes, to devote an hour every alternate day to each promising Pupil separately, the need of private Tutors, as a distinct Class, would so far be superseded, since the College Tutors would then become private Tutors, and do the private Tutors' work. But even if such a plan were feasible I doubt if it would be desirable, since there are two other advantages of private tuition which would remain to it.)

2. Confidence.

2. The peculiar nature of the connexion, voluntary on both sides, and with only the slight superiority on the part of the Teacher which age and knowledge give, promoting a freedom of intercourse and a confidence on the part of the Pupil, which is rarely accorded to one placed in a situation of authority over him, however inclined to waive its exercise. A pupil can rarely be brought by his College Tutor to open his mind freely—to state his views, his doubts, his difficulties—to expose his ignorance. All this he does to his private Tutor readily, who thereby becomes thoroughly acquainted with his case, and is able to deal with it accordingly. I think also that often the best *moral* influence is exerted by the private Tutor, who not being obliged *ex officio* to preach morality, is felt to speak sincerely and *ex animo* in all that falls from him on such subjects.

3. Liberty of choice.

3. The freedom of choice which the Pupils possess, the only "LERNFREIHEIT" which our system knows, whereby a large amount of talent of various kinds is thrown open to the whole body of Students, and they are enabled to select their own Teacher on the subject which they wish to master, out of a large number of well-qualified persons, and have it in their power to change if they do not make the progress they expected; while the Tutor also, being dependent in a measure upon his Pupils, is induced both to exert himself more in particular cases, and to use greater diligence in mastering the especial field of knowledge on which his instructions are given. *Something* of the effect is produced which in Germany results from the entire "Lernfreiheit" and "Lehrfreiheit," which are there so much prized. The private Tutor who prepares candidates for honours, as a general rule takes his particular line, and does his utmost to acquire a really complete knowledge in that line. Hence the frequency with which private Tutors are appointed to the few Professorships which the University gives away.

Objections against the system:

Objections are taken, and no doubt lie to some extent, against this portion of the private tuition system. They are, I think, chiefly the following:—

1. Its supposed effect on Pupils.

First, it is said, private tuition is in such cases an unhealthy stimulus. Men's minds are not suffered to grow up in a natural way, and to develop themselves according to the law of their internal organization, but are forced prematurely into the later stages of mental development, and are also cramped and made to grow in a particular shape; so that originality and freshness of thought are made to disappear, and men become mere copies of some former man, each successful private Tutor forming a sort of school, which repeats his thoughts, and as it were reflects his mind. Hence an absence of power and vigour, and a want of self-reliance. Men look to having all their difficulties solved by another, instead of thinking out the solution, and the result is that the faculty of original thought, for want of exercise, disappears. All this, and much more of the same kind, I have heard urged against the private tuition system, and I have always felt that there was much truth in what was urged.

(Objection answered.)

It has always seemed, however, to me to be an objection against tuition rather than against private tuition. The Professor and the College Tutor equally stimulate and force the mental growth, and give it a particular direction, and solve difficulties, and supply thought, and so check originality. I presume that the fallacy lies, 1. In supposing that originality of thought in the mass (even of Classmen) is a thing much to be desired; and 2. In imagining that real genuine originality, such originality as is of value, can be set aside, overpowered, or smothered up by any system of education. I think we find that the real original thinker very soon puts aside the whole mass of *instruction* that he has received, and comes forth self-relying to give his own views of things.

2. Undue advantage which it gives to the rich.

Secondly, an objection is made of a very different kind. It is said, the private tuition system places the poorer Students at a great disadvantage as respects Honours, and so as respects College Fellowships and Tutorships. Now this is, no doubt, true to a certain extent, but not to the extent supposed. At the University, as elsewhere, riches give a man (*cæteris paribus*) an advantage. Wealth enables fathers to send their sons early to public schools, to obtain for them the best private tuition before they come to Oxford, the best books, and other aids to knowledge, from which the sons of poorer men are debarred. Wealth again, or *connexion*, which (as a general rule) accompanies wealth, enables fathers to place their sons at the best Colleges, where the public tuition is of a superior order, and wealth finally gives an unbounded command of private tuition.

(Objection answered.)

But this last fact is, practically, of far less importance than it seems to be. The cases are very rare in which a poor man is prevented by his poverty from obtaining as much private tuition as is of real service to him for the schools. Friends and relatives, or not unfrequently College authorities, provide the money necessary, and the private Tutor often lowers his Terms, or even foregoes remuneration. And the unbounded command of private tuition which great wealth gives is, practically, of no great service to the richer Students, because such tuition (as a matter of fact) is not serviceable beyond a certain point. Two or three Terms' reading, at the end of a man's time, is as much as does him any real good.

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3. Supposed ill effect on Tutors.

With respect to any bad effect of private tuition of Classmen upon the Tutor, it is difficult to show any peculiar evils which attach to this sort of teaching, or to separate the cases of the private and the College Tutor. In both cases there is the danger of the powers being dissipated by being divided among many subjects; but the fact seems to be, that private Tutors attach themselves especially to one branch of study, at least as much as public Tutors, probably *more generally*. And the effect is seen in the many eminent names of persons, whose sole or chief employment for years has been private tuition, who have afterwards attained to high distinction in some branch of learning connected with their former labours. There is, no doubt, a temptation to overwork in the one case which there is not in the other; and the popular private Tutor, like the popular author, is sometimes exhausted before his time. This is certainly an evil. Another greater evil is the early age at which private Tutors commence the practice of their calling. Immediately after having passed their examination, when it is quite impossible that they should have thoroughly mastered any of the subjects on which tuition is given, and when for their own sakes they ought to be devoting their whole attention to their own improvement, Bachelors of Arts undertake to give private tuition to an indefinite number of Pupils on all the subjects included in the term "Literæ Humaniores." This practice must be highly injurious to those engaged in it, and probably works badly in other respects, since the quality of the instruction thus given is not likely to be very good.

(Allowed to some extent.)

Suggestions.

It is, I think, desirable that there should be a stricter superintendence of B. A. private Tutors (who are still, according to the theory of the University, *in statu pupillari*) by the Heads of Colleges, and that some *surveillance* should be extended over them by the University. Bachelors of Arts intending to become private Tutors might be required to announce their intention to the Vice-Chancellor, and might be made to choose a particular line. They might be made to attend Professorial Lectures on subjects connected with that line until their M. A. degree. The number of their Pupils might be regulated by the Head of their College, who would be able to take into consideration all the circumstances of the particular case. After the M. A. degree I do not think it would be desirable to attempt to impose any restrictions. It would perhaps tend to elevate the character of private tuition, if private Tutors were to be entitled, after a certain number of years, to give Public Lectures, announced in the same way as the Professors' Lectures, to a Class in some of the University lecture-rooms.

GEORGE RAWLINSON, M.A.

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*Answers from John David Macbride, D.C.L., Principal of Magdalene Hall, Oxford.**

J. D. Macbride, D.C.L.

Expenses.

"1. The possibility of diminishing the ordinary expenses of an University education."

If by ordinary expenses are meant the sums paid for board and lodging, tuition, &c., they are at present moderate, never exceeding at Magdalene Hall, and I believe in other Societies, 80*l.* a-year, and in many instances scarcely reaching 70*l.*, still they might be reduced a few pounds.

"And of restraining extravagant habits."

Extravagance is the exception, not the rule. One spendthrift attracts notoriety, and persons judge of the University from him, while hundreds pass creditably through, unheard of because studious, and living within their means, even when those means are very small. I am of opinion that hunting, and other unnecessary expenses, might be checked, if not altogether suppressed, by a stricter discipline, and that the College authorities require for the purpose no greater power than that which they already possess.

Discipline.

"2. The sufficiency of power to enforce discipline."

There is already, in my opinion, sufficient power.

"3. The power of the University to make and repeal Statutes."

University Statutes.

During my time obsolete Statutes have been abolished, and new ones respecting education and discipline have been enacted, and no one seems to deny that Convocation has this power excepting with respect to the Caroline Statutes, which chiefly concern the election of the Proctors, and it is understood that, as coming from Charles I. direct, these cannot be altered without the previous consent of the Crown.

"4. The mode of appointing the Vice-Chancellor."

Vice-Chancellor.

It is now understood to be the Chancellor's nomination independent of Convocation. I wish for no change.

"And of the Proctors."

Proctors.

The present mode is very preferable to the old practice of an election by the whole Convocation; but of course the cycle of Charles I. cannot suit the reign of Queen Victoria. The new foundation of Worcester ought to be introduced into it, but I do not think it desirable that any turns should be assigned to the Halls; it is the maintainance of discipline in public which is the most important duty of Proctors. Those Colleges, like Balliol and Pembroke, which have many Undergraduates, should have more, New College and Magdalene fewer, and All Souls only one in the cycle. The Proctors ought not to retain their joint veto now that no motion can be made in Convocation without notice by any member, but must come from the Hebdomadal Board, of which they are themselves members. It becomes injurious when, as I have twice seen, so large a number of M.A.s came that it was necessary to hold the Convocation in the theatre, and yet they could not vote because the Proctors chose to interpose their veto.

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* For Dr. Macbride's Evidence as Professor, see Part II., p. 219, for his Evidence as Principal of Magdalene Hall, see Part IV., p. 379.

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"5. The government of the University," as finally established by Archbishop Laud, appears to have been little more than a new arrangement of former Statutes.

"6. The means of extending the benefits of the University."

University Extension.

I think there is an exaggerated notion of the numbers of persons who wish in vain for a University education. If the number were really as great as many assume, Cambridge, where there is no restriction to lodging in the town, would be much fuller than it is; and though favourite Colleges require long previous notice for matriculation, there are several where persons might reside within perhaps half a year of their application. One new independent Hall would I conceive be quite sufficient for the probable demand, and I recommend that at first no more be tried, though even to this proposal I greatly prefer enlarging such Colleges as have room to build or can take in contiguous dwelling-houses, since income for the Head, and in great degree for the Tutors, is already provided, and Hall and Chapel are built: Moreover the tuition would be probably of a superior quality. I strongly object to any connected with, and dependent on, Colleges.

One independent Hall.

The lodging out ought not to be extended much more than it is. The utmost I should incline to grant would be for the last two terms. The permission to be members of the University without being matriculated of Hall or College would imperceptibly work an entire, and I conceive unfavourable, revolution in our system. Such members might attend Lectures, but they would have no academic training, and might as well acquire their knowledge in some other place. They would never become Oxford men, nor do I think that they would gain in the way of economy.

The same remark applies to the next question.

Matriculation Examination.

"7. The expediency of an examination previous to matriculation."

By the new Statute an Undergraduate may respond in his second term of residence; I therefore do not approve of a preparatory examination.

"Of diminishing the time required for the first Degree."

On the contrary, I would lengthen it by requiring residence for the two grace terms, during which residence is invariably dispensed with, and by shortening the long vacation; I consider it hopeless to attempt any studies after the first Degree.

"Of rendering the higher Degrees real tests of merit."

Higher Degrees.

Certainly the higher, that is the professional ones, but not that of M.A. To render the studies more subservient to the Students' future pursuits I would appropriate to that object the last year.

"8. The expediency of combining the Professorial and Tutorial System."

I think sufficient provision for this is made in the new Examination Statute.

"Of increasing the number of Professors."

Scarcely any, I think, are wanted, unless it be Rhetoric and Natural History.

"Endowments."

A scheme for improving the income of the poorer ones was brought before the Convocation before long vacation; most of the classes of the Statute were negatived but by so very small a majority that the measure will probable be again proposed.

Professors.

"Of providing retiring pensions."

Retiring Pensions.

Not, I think, required. The Professorships are generally held by Fellows of Colleges, who, being for the most part clergymen, retire upon livings. We have at present none incapacitated by age, and a recent Statute gives the power of appointing a deputy to lecture at a certain salary. It might however be better that they should be (as some are) held only for ten years, and once re-eligible, but I would except from the rule those of the three faculties and those to which Canonries are attached. Professorships are given to merit, not to friendship; but there is a disadvantage in any being in the gift of so large a body as Convocation. I prefer a more select body; still I think it should consist of more than five: perhaps these now conferred by Convocation might be advantageously transferred to the Hebdomadal Board, with the addition of the Professors of kindred sciences. Thus when the Readership of Chemistry is to be elected, I would add to the Board those of Geology and Mineralogy, ; and I should not object to the appointment of the Crown, if their salaries were augmented by the State.

There are few limitations on Professorships. The only one which I recollect to be unreasonably restricted is that of Anglo-Saxon; and, notwithstanding, we have had good Professors of that language.

"10. On Fellowships," this I leave to the consideration of Fellows, having no experience of the present working of the system.

"11. On abolishing the distinction between Grand-compounders and ordinary Graduates."

Distinctions of Rank.

I have long wished for the abolition, and recommended it. A scheme which makes a man of 300*l.* per annum pay a heavy sum for a Degree which costs only a few pounds to the heir of an entailed estate of thousands is most objectionable.

I would have no Gentleman-Commoners, and would equalize the matriculation-fees, except to noblemen, whose order and its privileges I would retain. I would have no new order of inferior Students, and would altogether abolish that of servitors. The ordinary fees on Degrees might be lowered, and the government tax ought to be taken off. It is a special hardship that the Registrar cannot give an official copy of a Degree without an additional heavy stamp.

Fees.

Theological Study.

12. If a year or more was given to Theology, Oxford, with its numerous Professors and noble library, would be a far better school than any that has been or can be established in a cathedral city. It will also be cheaper, and is likely to be more free from party spirit.

13. "The capability of Colleges and Halls to furnish adequate instruction."

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I am of sufficient standing to recollect the introduction of the present system of examination in Classics and Mathematics. The Tutors were then, speaking generally, very deficient, but they either qualified themselves or retired, and the system soon formed new ones, and so I think it will prove now. Still in History and Natural Science I look mainly to the Tutors as preparing their pupils for the Professors' Lectures, not as superseding them.

ADEQUACY OF PRESENT MEANS OF INSTRUCTION.

14. I do not think it practicable or desirable to abolish private tuition.

PRIVATE TUITION.

15. I do not wish the Bodleian to be like the Cambridge public library, but I propose a middle course. Let its duplicates be arranged in a room by themselves, and let them circulate.

BODLEY'S LIBRARY.

16. Some of the modern University accounts, as that of the police, are published annually; I think all ought to be, or at least kept where all members of Convocation might see them.

UNIVERSITY ACCOUNTS.

JOHN DAVID MACBRIDE,
Principal of Magdalene Hall.

Answers from the Very Reverend W. D. Conybeare, M.A., of Christ Church, F.R.S. and Dean of Llandaff.

Very Rev. W. D. Conybeare, M.A.

GENTLEMEN,

HAVING received the compliment of the transmission of a copy of your queries, addressed to myself, I take the first opportunity of answering your letter; not because I can believe myself competent to furnish you with any material information, but because I am most anxious to testify my own warm concurrence in the appointment of such a Commission, and my conviction that its tendency must be really most beneficial to the interests of the University, to which I have every reason to be devoted with the deepest feelings of gratitude. I have myself the strongest assurance that our institutions need not shrink from the most open publicity, and that they can only sustain injury from imperfect information concerning them, and from the misapprehensions which are inseparable from such a condition; and I am persuaded that investigations like yours will most effectually remove this mischief.

APPROVAL OF THE COMMISSION.

To the *details* of your inquiries those who have been and are actively engaged in the administration of our University offices and discipline are alone qualified to afford you full and satisfactory information. Still I feel that an individual who has for nearly half a century watched over the progress of our University with a warm interest, suggested in the first place by ancestral connexion and personal residence, and since maintained by the relations there of his own children, may be permitted without presumption to offer some remarks bearing on your *general* objects. The half-century to which I allude has been most creditably distinguished to our University by the steady career of the best of all improvements, self-improvement, arising, not from any external pressure, but from the internal sense of duty, and a desire effectually to fulfil its demands. At the close of the last century the ancient educational discipline of our University as a general body had indeed become totally effœte; but still the private systems of many of our Colleges in some degree supplied the deficiency; and the private examinations of Christ Church in particular had already attained a very high efficiency under the superintendence of the then Dean, Dr. Cyril Jackson, one of the most superior minds of the age; that mind was far too liberal to wish to restrict the advantages which resulted from such a system to his own College alone, and was most anxious, with the co-operation of some other Heads (especially Dr. Parsons of Balliol), to secure to the University at large a participation in them, by renovating to a real efficiency the general system of academical examinations for Degrees.

IMPROVEMENTS IN THE SYSTEM OF EXAMINATIONS.

My own Undergraduate years (1805-9) fell exactly on that period when these renovations were making their first developments. They have indeed subsequently attained a far more pointed and stringent energy, by successively requiring standards of proficiency, in the departments to which they relate, more and more exact and elevated, and from the stimulus of a more strenuous competition among the individuals subjected to them. But still, if it be desirable to superadd facilities for the acquisition of general information to the complete mastery of the fundamental points selected by our Universities as the most efficient basis of the mental discipline they inculcate, in that case the earlier and more lax administration of our amended Examination Statutes did undoubtedly present some advantages which have been diminished under our recent more strict and advanced system. In the earlier period the honours held out already afforded to the more generous minds a stimulus to exertion sufficiently high, while yet they did not require them to devote all their powers exclusively to one narrow line of academical study; and I believe I may safely depose that the Student of that period, whatever the native bent of his mind might be, could in no other place have found a concentration of advantages calculated so efficiently to aid in the development of his powers as in Oxford, where the society of other youthful and active minds, devoted to congenial pursuits, and the rich stores of our libraries and collections, co-operated to stimulate and facilitate his progress. I may here instance one of our most modern sciences, Geology, then only starting into birth, as having derived its most effective advancements from the influence of such a combination of academical circumstances. My contemporary, the Dean of Westminster, is universally recognised as having imparted the most powerful impulse to its progress by his own researches and the Lectures he delivered in our University, and his earlier steps were stimulated and advanced by the scientific reunions which his predecessor, Dr. Kidd, had been in the habit of collecting within our walls, from the metropolis and elsewhere.

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As I have said, the more active competition for honorary distinction in our examinations for Degrees, and the elevation of the standard required, has necessarily tended, of late years, to restrict the attention of our Students more exclusively to those pursuits which may most tend to promote their prospects in the schools. While, however, our University feels convinced that she has justly selected classical and mathematical studies as the primary basis of her education, and as best calculated to invigorate the original powers of the mind for future acquisitions, she has never remained indifferent to those acquisitions. She has always considered it an important practical question in what manner she may best combine what she regards as the essential elements of a sound education and the development of its ulterior fruits;—she has, therefore, very recently superadded to her original subjects proposed for honorary distinction two additional schools, one for modern history and Jurisprudence, and the other for the Natural Sciences. This is undoubtedly a very important step, and entirely in the right direction; it might possibly, however, derive increased efficiency if the earlier examinations, within the first year and a half of academical residence, should be regarded as affording a sufficient test to satisfy the absolute requisitions of the University in her two primary Classical and Mathematical Schools, so as to allow to her Students a less restricted use of their two concluding Undergraduate years, which they might then dedicate as the natural constitution of their minds, or their ulterior social views, might direct them, either to further advancement in the former routine or to the cultivation of any of the other branches now thrown open to their competition.

These remarks, which may be considered as relating generally to your seventh article of inquiry, contain everything which I can presume to offer.—And I remain, with every expression of respect, and with the most cordial wishes for the satisfactory progress of your very important task,

Gentlemen,
Your most obedient,
W. D. CONYBEARE.

Rev. E. S. Foulkes, B.D.

Answers from the Rev. E. S. Foulkes, B.D., Fellow and Tutor of Jesus College, Oxford.

EXPENSES.

1. The expenses of a University education are of a two-fold nature: those incurred by what are called University dues, including the cost of a Degree, &c., and those resulting from connexion with a particular Hall or College. Persons holding official situations in the University would seem to be the best judges whether the former might not be conveniently reduced somewhat. I propose simply dealing with the latter; and 1. I would observe that considering the usual cost of a good English education in the present day apart from Oxford, I do not believe that it is often had cheaper than it can be and is often had in my own College. There are many there whose battels average 55*l.* a-year (by battels I mean all College and University dues whatever), and some whose whole expenses, including those of travelling, dress, and pocket-money fall within 100*l.* a-year. I do not, of course, take into account what it may cost their friends to keep them at home during the vacations; yet even against this it might be mentioned that most of our Undergraduates are appointed to Exhibitions after their first year. Some of our Servitors, to my knowledge, have made money, not only defrayed all expenses, by their College education. Still I am frank to admit that it is equally, and perhaps more possible, for a young man to run into excess in his expenses than to keep within these moderate bounds. At the same time it deserves to be considered whether it does not materially tend to the forming of a vigorous independent character, so discernible in our English youth generally who have experienced the benefits of a University education, that a young man should feel himself to a certain extent in these respects his own master. I should be sorry that self-responsibility should be entirely removed from his own shoulders; nevertheless I am of opinion that a little more salutary restriction might be devised than is at present the case, yet not by College authorities in the first instance, but mediately through the law of the land. Neither College nor University authorities have the least power over tradesmen beyond Oxford; and even within Oxford it may fairly be questioned whether they have a right to impose conditions upon the local tradesmen, which are contrary to the established usages of buying and selling, now that goods may be had equally well from London and other large towns. As soon as the Oxford tradesman was considered to be "*en rapport*" with the College authorities, his customers would unaccountably fall off, and parcels by the railway, carriage paid, would be hourly brought into College. No! without entering more fully into the various reasons which, after the maturest consideration, years ago led me to this conclusion (a conclusion which further experience has only strengthened), I am firmly persuaded that nothing but a law of the land could impose the restrictions which appear so desirable, and it has struck me that it might be to the following effect:—"That no tradesman throughout England should be allowed to sue for the amount of a bill for goods served to a resident Undergraduate member of Oxford or Cambridge (Durham, &c., might be included) during Term-time, that had not been duly sent in through the College authorities." University Calendars would supply the necessary data to London and other tradesmen, should there be occasion (and with the reading-rooms that exist in large towns it would be easy enough to have access to a Calendar); but, practically speaking, it is conceived that the law would affect none but Oxford or Cambridge tradesmen, because by placing all throughout England under the same conditions, it would make Undergraduate members indifferent to dealing with others than those of his own University. Moreover such a regulation, emanating from the law of the land, would place the College authorities in a less obnoxious point of view to the Undergraduate, than it most pro-

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bably would do in these days of freedom and criticism, had it been promulged or enforced by them. It would, of course, be a matter of internal arrangement amongst Colleges what officers, and how many, should be appointed to receive and examine the bills of the young men.

Discipline.

2. Where the authorities have the will, it seems to me that they have sufficient power to enforce discipline, except as regards obsolete statutes. Members of the foundation (who are by far the hardest to deal with) have been within my experience removed for immorality or breach of duty.

Constitution.

3. I cannot but think it a most cumbersome let in the way of improvements, that members of Convocation have not the power of proposing amendments to measures of which the Hebdomadal Board have come to have the sole initiative, and have only the alternative of accepting or rejecting them as proposed. I likewise think it not only undesirable but unconstitutional that the Hebdomadal Board, as at present constituted, should have the sole initiative. Mr. Sewell has shown that, according to our constitution, it should be far otherwise.

Vice-Chancellor and Proctors.

4. I see nothing objectionable in the mode of appointing the Vice-Chancellor; but that of the Proctors, it seems to me, might be assimilated to that of the Vice-Chancellor, or at all events the cycle should be re-modelled. It might be made a question whether Vice-Chancellors should not be elected from the existing Halls as well as Colleges in rotation, and also whether the Proctorial office should not be for a longer period (say two years instead of one) than it now is.

Excessive powers of the Hebdomadal Board.

4. The government of the University, and its relation to the Colleges, would appear capable of expanding itself adequately to meet the exigencies of the times without any fundamental change. Convocation has the power of making and repealing statutes from time to time, and so of effecting all desirable reforms. Its machinery is, doubtless, much impeded by the undue influence of the Hebdomadal Board, noticed in the answer to the third question, where the visitatorial powers of the Crown might be invoked beneficially to give back to the proper quarters what the Hebdomadal Board had unduly monopolized. But the machinery once re-adjusted, and proportion once restored to the action of its respective parts, it does not appear to me that any further external assistance than public opinion is necessary either to bring about reforms in the first instance or carry them out with effect. One of—

University Extension.

6. The first reforms is unquestionably the means of extending the benefits of the University to a larger number of Students; and here a fourfold scheme has been suggested, to which I shall beg to tender my objections or approbation *seriatim*. In the first place, then, I say that either of the schemes here suggested, or indeed any other that might be devised, might be adopted by the University constituted as it now is, without any further assistance from without than that of public opinion, expressed either through the press, or it might be in a Royal injunction to the Chancellor to have the subject brought before Convocation. Indeed the scheme that approves itself most to me as most in unison as a development with our existing state, would be one that would emanate in the first instance from the Chancellor solely, though, of course, there would be wanting to its success the concurrence both of the University and the respective Colleges; I mean the establishment of new Halls in connexion with the Colleges. Affiliated Halls.
I believe the Chancellor has full power to increase the number of such establishments *ad libitum*, and every change that can be made constitutionally I hold to be preferable on *à priori* grounds to one that would entail radical alterations in our system. It is for this reason that I would prefer the new Halls to be in connexion with the respective Colleges in their first establishment, though by degrees they would gradually come to be more or less independent. Such, I think, is the account to be given of the existing Halls: in the majority of them the appointment of a Head has lapsed to the Chancellor, but in one of them still, namely, St. Edmund's Hall, the appointment of a Head still remains in the present College, namely, Queen's College. The new Halls would be slightly more beholden to the parent College in the first instance, but afterwards they would follow the natural course of colonies with respect to the mother country, and grow more and more independent. But in order to consider this scheme adequately in its workings and contingent effects, it is necessary that it should be viewed in connexion with other important changes: for constituted as the majority of Colleges are now, with confined Fellowships and Scholarships, I think that neither this or any other scheme would satisfy the exigencies of the times; one must, therefore, presuppose all Colleges to have thrown open their Fellowships and Scholarships and emoluments generally, or, at least, removed most of the restrictions now appertaining to them. Then only could we expect all Colleges to be filled alike with Students, and all to be in a condition to open Halls or to supply them with efficient Heads and Tutors; for these Heads and these Tutors, according to my notion, would be taken from among the Fellows, who would continue to enjoy the emoluments of their Fellowships while engaged at the Hall (supposing some Fellowships to be suppressed where it appeared expedient to do so), they might even enjoy a double Fellowship, and thus much of the charge for tuition upon Students migh be saved. Further, it would seem desirable that these Halls should be established on a much more economical footing than the present Halls and Colleges, and the expenses of Students diminished in every possible way. For this purpose a body of regulations and rules might be framed by a Committee, appointed either by Convocation or by the Chancellor, and incorporated into the Unive sity statutes, as the present regulations relating to Halls are, to be altered from time to time by the same authority, as circumstances might require; so that all new Halls might be under one and the same regimen. Then it would appear desirable that the Heads of these new Halls should be *ex-officio* members of the Hebdomadal Board, whose character it is conceived would be materially affected for good by the introduction of these *patres minorum gentium*, whose youth and numbers would be a most beneficial counterpoise to the old oligarchy. Lastly, this scheme seems to possess this advan-

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tage, that it would be the least violent remedy of the abuse of non-resident Fellows, and the most obvious way of turning superfluous Fellowships to account, without diverting them from the Colleges entirely, in which they have been founded. Under this scheme it is conceived those statutes which require residence so stringently on the part of the Foundationers (and what College-statutes do not, virtually or expressly?) might be practically enforced without any manifest incongruity to the existing system. I do not all approve of the second suggestion, namely, that of permitting Undergraduates to lodge in private houses more generally than at present. For my own part, from the experience that I have had of the effect, whether at Oxford or Cambridge (the latter, of course, more largely), thereby engendered upon morals and discipline generally, I could wish that such permission were seldom or never given except in the one case which I am going to mention in connexion with the third suggestion, namely, that of allowing Students to become members of the University, and be educated in Oxford under due superintendence, but without subjecting them to the expenses incident to connexion with a College or Hall. I do think this suggestion desirable in the case of those who might wish for a University education (and perhaps Degree), but without subscribing to the religious tests at present imposed, or indeed those others which I shall suggest as a substitute for them elsewhere, when I come to speak of tests generally in connexion with the limitations in the election to Fellowships and their tenure. I think that such persons might be well relieved from connexion with College or Hall and still be members of the University, subject, of course, to the external discipline, with the enforcement of which the Vice-Chancellor and Proctors stand charged; and of course further restrictions might be laid upon them in any subsequent statutes of the University. As to admitting persons to Professorial Lectures, and granting certificates of attendance without requiring any further connexion with the University, I can see no objection to it, and it might be a benefit to persons advanced in life and to foreigners, though I conceive the class would be small. Quere, whether it would occasion inconvenience by multiplying the number of residents in Oxford, who were neither Professors, nor Students, nor engaged in any trade?

MATRICULATION EXAMINATION.

7. In the case of those admitted to be members of a College or Hall, I think the College or Hall examination previous to matriculation as it exists now would suffice; but there should be an equivalent to it for those not belonging to a College or Hall, should such Students ever find a place in the University: and this might be left to the Vice-Chancellor and Proctors. With the three examinations under the recent statute, I do not think the length of time required for the first Degree need be shortened. I do think the higher Degrees should be made real tests of merit a good deal more directly than they are now, especially those in Theology; Law and Medicine have ceased to be of the same practical importance in Oxford. Even the same exercises now done for the B.D. would be infinitely less a matter of form than they are now, were candidates allowed to dispute in English while they adhered to the old form of conducting the argument, and the same liberty might be granted to and like exercises required from candidates for the D.D. Viewing the University course as one that would rather tend to mould and to form the mind than impart varied knowledge, I should not wish to see any great departure from the studies of the University as they are now, especially as regulated under the recent statute; though I am inclined to think at the same time that the critical study of a living language would be as beneficial to the mind as that of Latin and Greek, and that either we should restore Hebrew to the place it once held in the study of the Classics, or else supply the void of a third language by the critical study of French, German, or Italian.

Higher Degrees.

PROFESSORIAL AND TUTORIAL SYSTEMS.

8. I think it would be highly desirable to combine the Professorial with the Tutorial system; but it would require direct legislation on the part of the University to do so, otherwise Tutors and Professors would continue to rival and thwart each other, as is the case at present. There should be University Professors on the one hand enough to lecture upon the various subjects of the three examinations respectively, and on the other hand enough to provide against the number of Students attending each of them ever being too large; one Professor, it is conceived, could not lecture to more than a certain number with effect. Then the Tutorial Lectures should be made preparatory to those of the Professors, restricted for the most part to the same books, and confined to the more elementary species of instruction connected with them. Nobody could think tuition would be necessary to be employed for the higher Degrees; candidates for them might be left entirely to the Professors, not of course the same Professors that lectured to candidates for the first Degree, but Professors of a higher order. Thus there would be a two-fold grade of Professors, according to my idea; and I think that those which exist now, or at all events some of them, might very well constitute the higher order, with pay increased, or at all events made up to a certain income from the University chest, or by throwing two or more of the present Professorships into one, or else by impost upon the candidates themselves; and these, in my opinion, ought not to be either Tutors or Professors of the second order, or hold more than one higher Professorship at the same time, and a retiring pension might be provided for them out of the University chest or otherwise, as funds could be obtained. Then the Professors of the second order would be for the most part, perhaps altogether, a new body formed out of old materials, it might be in the following way:—There are in almost every College semi-sinecures and obsolete Deanships, Censorships, Prælectorships, Lectureships, call them by what name you will, which have funds attached to them, but belong to a former system, and are pure anomalies in our present one; again most Colleges have a certain number of superfluous Fellowships. Let the number of Professorships of the second order necessary for carrying out the new scheme be ascertained, and then let each College be required to supply one or more, according to its means, size, number of Foundationers, present number of Undergraduates, or whatever other rule be thought most equitable, letting it be understood from what sources these Professorships are considered justly derivable. Thus each College would supply

its quota of second-rate Professorships for a University purpose, the nomination to which might remain in the hands of the College that endowed them, subject to the approval of Convocation, while the Professors themselves might be required to give their Lectures in one of the University lecture-rooms, and not in their own College, and to include in their class all Undergraduate members of the University who might be willing to attend them, and all without pay. Then it might be provided that these Professors might or might not be married men, the only restriction being that they might not hold a Tutorship and Professorship at the same time. Such a scheme would, I think, tend very much to bring Tutors and Professorships into unison; it would elevate the senior Tutors into a new order with greater liberty (and on the supposition of open Fellowships universally in all Colleges, there could not fail to be a supply of competent persons in each College for the new office); it would leave vacancies in the Tutorship for many juniors who are now obliged to become private Tutors, or remain idle; and lastly, while it imposed on Colleges the necessity of founding University Professorships, it would reconcile them to the measure by allowing Colleges to nominate to those which they had endowed, and to fix their salary, which they would thus provide out of their own resources, without foreign surveillance, for their maintenance. With the difference just noticed, College Tutors would remain what they now are, though the Lectures given by them would be made subsidiary to those of the last-mentioned Professors. It may be asked with reason whether there is the least probability that Colleges would allow the University so to dictate to them, especially on a question so relevant to their revenues, without external agency? But did the alternative lie between acceptance of the proposed measure and a Government inquiry into College revenues, it is not likely that it would encounter much opposition, especially as it would confer lustre upon a College to be able to boast of one or more University Professors.

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College Professorships.

9. These Professorships, then, I would establish by means of the Colleges, and leave the nomination to them in their hands, subject to the approval or disapproval of Convocation; the conditions to be, that those appointed to them should have taken the M.A. Degree, and be neither Tutors nor superior Professors, nor hold more than one inferior Professorship at a time. The superior Professorships might be left equally open, but nominated by the Vice-Chancellors and Proctors alternately, to be approved by Convocation. All Professorships might be tenable for ten years, provided their duties were not neglected, and the holders of them re-eligible, the higher Professorships perhaps for life. I should object much to any appointments by means of Boards, or the like.

Suggestions for the appointment of Professors.

10. The limitations in the elections to Fellowships really commence with University matriculations. None can be allowed to remain members of a College 14 days without being matriculated members of the University, and none can be so matriculated without signing the Thirty-nine Articles, and so forth. Admission to a College requires no such tests; and judging from the oaths prescribed in my own College statutes, a person might be admitted Scholar, Fellow, or Principal, that is Head of a College, who, for the most opposite reasons imaginable, might not be willing to subscribe to the Thirty-nine Articles. At least there is nothing in *our* College statutes to prevent it. It is true that the Scholars and Fellows of our society are obliged to proceed to the B.D. Degree, and to take Holy Orders after a certain time, which, in the latter case, would of course involve subscription to the Thirty-nine Articles, even should the University think fit to relax and do away with such a test altogether; but this is precisely the state of things that, *circumstanced as our common country is now*, would appear so desirable. For then persons might come to our Universities for a purely literary purpose, and derive benefit from our foundations, if deserving of them, for a time, without reference to their peculiar religious professions, provided only that they were Christians, for I would not dispense with the requirement of the baptismal certificate in any case where it is at present required (not understanding it however to imply necessarily baptism through the English church); and I think it is a practical consideration whether it might not be substituted advantageously for subscription to the Thirty-nine Articles; or, at all events, whether profession of belief in the three Creeds (which, as our Article says, "ought thoroughly to be received and believed, for they may be proved by most certain warrants of Holy Scripture," and to which the rule "Quod semper, quod ubique, quod ab omnibus" is still applicable) might not be advantageously substituted in the University matriculations; or again, matriculations to the University might be free from all religious tests whatsoever, and only admissions to a College or Hall guarded by these milder tests. Then if the Church of England chose to continue to require subscription to the Thirty-nine Articles from those whom she admitted into her Ministry, all well and good. She would only continue to affect our foundations as she does now, and when the time came for taking Holy Orders (and the B.D. Degree) persons would either resign their Fellowships and Scholarships, or conform to her rule. And I think it would be fair likewise that she should continue to affect Degrees in Theology similarly. But I certainly think that the University might very fairly be called upon to dispense with tests to the extent above-mentioned in these days; and that Colleges should open their doors to all who could (the present University test removed or otherwise made broader) conform to their statutes, and admit to their foundations all who could take the oaths required therein.* This, therefore, is the first limitation which I think operates unfavourably in the present day, and which I should, therefore, wish to see qualified or abrogated. The next is that which restricts foundations to particular localities. I think I need not go into the disadvantages of this exclusiveness. It is confessed by all, more or less. Perhaps, however, it might not serve to go into the contrary extreme at once. In my own College, for instance, I should rather prefer to have our foundations, one and all, thrown open to Wales generally (those I mean

Restrictions on Fellowships,

by religious tests,

(see Mr. Foulkes' Evidence in Part IV., p. 365.)

by localities,

(see Mr. Foulkes' Evidence, Part IV., p. 367.)

* It would not really be a wide departure from our present practice, for Divinity Lectures and Examinations previous to the first Degree to be confined to the *facts* of Scripture and Church History.

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that are restricted to particular parts of Wales), than to throw them further open for the present, otherwise Wales might suffer very disproportionably from the suddenness of the change. At the same time I would wish them open to any extent sooner than have them remain as they are. Other Colleges, who have already done away with close Fellowships in the ordinary sense, should be sure that they do not exclude those born in the colonies or elsewhere in Her Majesty's dominions. Indeed it might be made a question whether any restriction of birth or nation should be retained eventually. As to limitations with respect to tenure, I should not wish to see any of those which are now acted upon removed, generally speaking, and many that have grown obsolete I should wish to see revived and enforced: *e. g.* I should not wish to see Fellows or Scholars allowed to marry. The inferior Professorships which I have suggested might be founded out of suppressed Fellowships among other elements, I have already said should not be bound to celibacy; and perhaps the Heads of the new Halls, who would probably derive part, if not all, of their revenues, the same source, *i. e.*, be virtual Fellows, might be allowed the same liberty. But then if that was thought desirable, about which I am doubtful (for I am even doubtful how far the marriage of the existing Heads of Colleges and Halls, setting aside the question of its lawfulness, which is still more debateable, has proved a wise step), it would seem desirable that they should no longer be considered as Fellows, or be called so, though they were enjoying support from a Fellowship. But it should be viewed as one of the suppressed Fellowships, and the tenure of the Head of the Hall should be contra-distinguished from that of other Fellows of the same College, who might be appointed Tutors to the Hall, and who should on no account be allowed to marry.

by tenure,

by celibacy,

by residence.

As to residence, I should not wish to see one non-resident, Fellow or Scholar, in a College. Each College should have a certain number of Fellowships more than actually necessary for carrying on the education and discipline of the College, in order that there might be a place for those willing to devote themselves entirely to study and philosophy. But this number need not be large, and ought to bear a reasonable proportion to the rest. And as for the rest, there should be enough of them to supply Tutors and other College authorities (for I would not have Tutors hold any other College office, nor any Fellow hold more than one office at a time), adequate to the size and circumstances of the College, and then Heads and Tutors of the dependent Halls. Afterwards, should a surplus remain, they would be suppressed for the support of the new Professors. And lastly, should there be more than were necessary for even this purpose, then I would have them suppressed to found Exhibitions, which should be tenable from matriculation to the taking of the first Degree, or they might increase the existing Scholarships and Exhibitions subject to the same conditions. Should it ever be objected that the suppression of Fellowships would be contrary to the will and intent of the Founders, it would be easy to reply that nothing could be conceived more contrary to the will and intent of the Founders than the present abuse of them. By far the majority of Fellows of Colleges in Oxford are non-resident, probably never resided as Fellows, and contribute nothing whatever to the well-being of the society to which they belong, save that they divert the revenues intended to have been indirectly beneficial to the College by being spent there, to their own uses in the country, while they may be said to have originated the impost for tuition upon Undergraduates, inasmuch as when it was found to be so snug and lucrative a thing to be non-resident, it became necessary to establish a counterpoise with a view to allure competent persons into residence, for the carrying on the work of education and instruction.

Distinctions of Rank. To be modified, not abolished.

11. I would have the distinctions between compounders, &c., very much altered and modified to suit the present state of things; but I would not have them abolished until class distinctions shall have ceased throughout the country; one of the most characteristic features of the University being, in my opinion, that it is England in miniature.

Theological Study.

12. Under the changes above proposed, it is conceived the line of demarcation between those going into Holy Orders, and those not doing so, would be more clearly brought out than it is at present; and of the new Halls, in connexion with Colleges, I should suggest that each College should have one or more exclusively devoted to those who having taken the B.A. Degree were desirous of a year's preparation or so, more or less, previously to entering Holy Orders. These Halls might be subjected to a stricter discipline and economy than the rest, and the Head and Tutors, or at all events the former, might be required to have taken his B.D. Degree, in which case he would be necessarily in Holy Orders. Should the number of Theological Professors in the University be found too few for the number of Students likely to be produced by such a change, it should be matter of consideration how they might be increased.

Inadequacy of present Means of Instruction.

13. I feel confident that the new examination statute will soon become a dead letter, unless Fellowships and Scholarships can be thrown open throughout the University. Close foundations, if they are not held by a less talented, are, at all events, held by a less working, less active, class of men, than those which are open. The increased number of subjects for examination will require a proportionate increase of men of varied acquirements in the University, and such as can only be insured, it is conceived, by making College Fellowships and Scholarships a reward of merit, and throwing them open to the most proficient.

Private Tuition. A great evil.

14. The system of private tuition I hold to be one of the curses of our days. First, it is prejudicial to College tuition, as it inevitably leads Pupils to make light of their College Lectures in comparison with those of their private Tutor, and College Tutors finding their Lectures ill got up, or remembered, are apt to grow apathetic, and relax in their diligence. Secondly, it affects the examinations: as young men are literally crammed up for them, it being the principal merit in a private Tutor to know the kind of questions that a particular Examiner is likely to give, and so prepare his Pupils with the proper answers. Hence the examinations are becoming daily less a standard of real merit, as without the required knack it is impossible not to appear at a disadvantage in them, no matter how well one's list of books

has been studied. And thus poor men are obliged to submit quietly to this monstrous extra expense, or be content with a lower class; while the public are deluded into believing that the cost of a young man's tuition in the University is that charged by his College. But private tuition it is notorious is three times the cost of College tuition, and the paying for the latter goes on exactly the same while a young man is reading with a private Tutor that it did previously, notwithstanding that the College Tutor is in effect, if not in fact, relieved from all further trouble for the time being. On the other hand, there are worse evils emanating from the system than merely pecuniary. Young men regard private tuition as a short cut to knowledge, and therefore represent it as even more a *sine quâ non* to their friends than it really is. Large sums of money are wasted in this way to no purpose than that of idleness. Then a young man is at liberty to choose his own private Tutor, and this of itself lowers the College Tutor by comparison in his eyes, for the College Tutor is one placed over him independently of his likings or dislikings. In the same way, the time, manner, and length of his Lectures are, in the one case, his own option; in the other case, they are forced upon him. Hence the moment private tuition commences College discipline is practically at an end. And what now is to be said of private Tutors as a class? They are generally very young men, just passed their B.A., with minds unformed, and judgments unmatured. They know nothing as they would know it in a few years with continued study and undisturbed reflection. But all their time is occupied with Pupils—Pupils nearly of the same age with themselves. They go over the old ground again and again, and five or ten years after they have taken their first Degree, they know no more of Philosophy or Theology than they did when they commenced; at least they have made no advance compared with what they might have made had they been free. I really know not which the system affects worst, the Pupils or the Teachers; all I do know is, that our best and most promising B.A's. who pursue it are thereby spoiled, and never come to be learned men, while the Pupils lose all sense of discipline in their hands, and are not taught solidly.

Rev. E. S. Foulkes, B.D.

15. I have studied myself a good deal in Bodley's Library, and can scarce conceive it placed on a more useful footing than it now is. Should any think that it would be desirable to have the liberty of taking books out to read in one's room, or away from the University, I can only say, that all my experience of libraries goes to convince me that either of these concessions would be most prejudicial to study and convenience of the public.

BODLEY'S LIBRARY.

16. I fully concur in the propriety of laying periodical statements of the University accounts before Convocation.

UNIVERSITY ACCOUNTS.

E. S. FOULKES, B.D.

Answers from W. A. Greenhill, Esq., M.D. of Trinity College, Oxford.

W. A. Greenhill, Esq., M.D.

SIR, HASTINGS.

I HAVE to apologize for not having sooner answered in detail the letter which Her Majesty's Commissioners did me the honour to send me towards the end of last year. I need not trouble you with an explanation of all the circumstances that have occasioned this delay, but perhaps the confusion attendant upon my change of residence, together with my being ordered to avoid for a time all unnecessary mental labour, will be accepted as a partial excuse for my apparent negligence. I shall not attempt to notice *all* the subjects to which you have called my attention, because on some of these points I do not consider myself competent to offer an opinion at all, and on others you have doubtless been already sufficiently informed by persons better qualified to advise you than myself. The suggestions I would wish to make on the remaining subjects of your inquiry shall be given as briefly as possible.

§ 4. The Procuratorial cycle seems to require revision.

It would perhaps be advisable for the Proctors to remain in office for *two* years, either by the retirement every year of *one* Proctor instead of *two*, or by the promotion of two of the Pro-proctors; at present the Proctors and Pro-proctors have hardly learned the duties of their office before they have to resign it.

PROCTORS.

§ 8. With respect to the number of the Professorships, while there are several branches of science and literature which at present are not taught at all, there are also some cases in which the Professors are unnecessarily numerous, as for instance, Anatomy, Medicine, and Arabic. In each of these instances one of the Professorships appears to have been useless to the University for some years past.

PROFESSORS.

The endowments of most of the Professorships are very insufficient. The result is that the University is frequently obliged to allow a *competent* Professor to reside elsewhere, or to put up with an *incompetent* one who happens to have some other source of income which enables him to remain in Oxford.

It would seem to be very expedient to provide retiring pensions for Professors who are disabled by age or infirmity, as, at present, it is not uncommon for a person to retain his Professorship long after he has ceased to perform its duties. The money required for these pensions might perhaps be partly provided by the new Professor receiving only *a portion* of the emoluments of his office at first, the remainder being paid over to his predecessor during his life.

RETIRING PENSIONS.

§ 9. It would not be easy to decide positively which is "the most eligible mode of appointing Professors," and therefore (among other reasons) it is better that the present variety in the mode of appointment should continue. Perhaps, however, of all these different modes of appointing Professors and other similar officers, an election by Convocation is, upon the whole, the worst.

APPOINTMENT.

W. A. Greenhill, Esq., M.D.

THEOLOGICAL STUDY.

§ 12. With reference to "the means of fully qualifying Students in Oxford itself for Holy Orders," I may be permitted to mention the facilities afforded there for the acquisition of such a Degree of medical knowledge as is often found extremely useful in after-life. I know of no place where this knowledge can be better obtained than in Oxford, as in other towns, where a much greater amount of medical information could be acquired, this advantage would be more than counterbalanced by annoyances which none but a professional Student could be expected to bear. I may add that I have myself known several instances in which country clergymen have turned to good account among their poor parishioners the medical knowledge gained in the Lecture-rooms and Infirmary at Oxford.

Use of Medical Study for Clergymen.

BODLEY'S LIBRARY.

§ 15. For more than 11 years I made use of the Bodleian Library almost every day, and thus had an opportunity not only of observing its management and condition myself, but also of hearing the opinions expressed on the subject by the numerous foreign Students with whom I there became acquainted. From these foreigners I also heard a good deal about the regulations of different continental libraries, so that I am in some degree able to compare them with those of the Bodleian. The opinion expressed by these foreigners was (I think I may say) in *every* instance most favourable, and I am inclined to believe that, of all the great libraries of Europe, the Bodleian is the most convenient and generally useful. In saying this it will easily be understood that I do not mean to find fault with the regulations of other libraries under less favourable circumstances, as many things may be safely allowed in a place like Oxford that would be quite inadmissible in a large capital like London or Paris. Nevertheless, the administration and regulations of the Bodleian Library did not appear to me to be perfect, and I will mention three points in which I think they require alteration.

Its wants.

1. More Sub-Librarians.

I. Several additional Under-librarians are wanted, and each of these might be chosen for his knowledge of some particular branch of literature. If this were the case, there would be some prospect of having the whole of the MSS. catalogued in a creditable manner and within a reasonable time; and the Librarian would be much aided in the choice of books to be purchased by having the deficiencies of each department of the Library pointed out to him by a person who had given it his special attention.

2. Freer use of books (under due restriction).

II. Some persons wish the books (and perhaps the MSS. also) to be allowed to be freely taken out of the Library; and the conveniences of this plan are sufficiently obvious. But from what I have heard of the facility with which this permission is abused in other libraries, and its inconveniences even when it is not abused, I confess I have no wish to see it introduced into the Bodleian. I think however that the opposite plan is there followed out too strictly, and that in a few peculiar cases both books and MSS. should be allowed to be taken out of the Library and even out of Oxford. In order to prevent the abuse or too frequent use of this privilege, the special permission of the Curators might be required, together with a deposit to ensure the safe and punctual return of the volume borrowed; but still I have met with quite a sufficient number of instances to convince me that the books and MSS. ought, *in certain rare cases*, to be allowed to be taken away from the Library, and that the present stringent regulation is injurious to the cause of literature.*

3. Longer time allowed for study.

III. Some persons wish the Library to be kept open in the evenings; and perhaps there is no great objection to this, though I should doubt whether the amount of the benefit thus conferred would be equivalent to the increase of expense incurred thereby. I have however noticed one case which frequently occurs, and in which I think the use of the Library ought to be extended. I allude to the foreigners and other strangers who often come to reside for a time at Oxford, at a heavy expense, for the sake of consulting the volumes in the Bodleian, and who naturally wish to finish their work as quickly as possible. In these cases (especially if they come during the winter months) it is a very great hardship that they are not able to use the Library for a greater number of hours than at present. They frequently only want one or two volumes at a time, and some plan might easily be devised whereby they might be allowed the use of these after the usual Library hours.

Several minor improvements might be suggested, but the above are all that have occurred to me from my own experience and observation, that I think of sufficient importance to bring before the notice of Her Majesty's Commissioners.

Its peculiar advantages.

I have mentioned what seemed to me to be the principal defects in the administration of the Bodleian Library; in gratitude for the benefits which I derived from it during so many years, I should be glad to be allowed to notice briefly some of its advantages.

1. Its size, especially its rich collection of MSS.
2. The facility of obtaining an introduction to it.
3. The comfort of the reading-room, both in winter and summer.
4. The extreme courtesy and kindness of the officers, a point almost invariably mentioned by foreigners in the highest terms.
5. The quiet of the reading-room, but, at the same time, the power (arising from the comparatively small number of readers) of talking when necessary, without the danger of annoying one's neighbour.
6. The privacy afforded by the little studies to those who make constant use of the Library.
7. Printed Catalogues of almost all the books, and of considerable portions of the MSS.
8. The permission given to the Student to search himself in the Catalogue for the title of the book or MS. which he wants to see:

* As an illustration at once of the exceptional cases which I have in mind, and also of the greater liberality in this respect of some foreign libraries, I may mention that I once had in my house for several weeks three of the Arabic MSS. belonging to the public library at Leyden, which were of very great use to me in a work I was then engaged upon, and which, as I could hardly have gone to Leyden myself, I should not otherwise have had an opportunity of consulting.

W. A. Greenhill, Esq., M.D.

9. To fetch for himself any of the volumes that line the lower walls, &c., of the reading-room :

10. To ask for a book or MS. *vivâ voce*, instead of on paper :

11. To have in his study or on his table an unlimited number of volumes at the same time.

12. The quickness with which the reader obtains any book or MS. that he asks for, seldom having to wait on an average more than five minutes.

13. The not being obliged to restore each volume to its place every evening, and, consequently, to ask for the same volumes every day.

14. The power of using any book or MS. as soon as ever it comes into the Library.

15. The certainty of finding in the Library every book and MS. that it possesses.*

16. The small number of days in the whole year on which the Library is closed, the total number (besides Sundays, Good Friday, and Christmas-day) being about 32.

Several of the points enumerated above will appear trivial, perhaps hardly intelligible, to those who are unacquainted with the regulations of large public libraries both in this country and on the continent ; but they certainly add in no small degree to the comfort of the Student. Some of the great European libraries enjoy some of these advantages, and some enjoy others ; but the whole of them (as far as I am at present aware) are to be met with only in the Bodleian.

RADCLIFFE LIBRARY.

I will add two suggestions with reference to the Radcliffe Library, which I used occasionally during 12 years, and, at one time, almost daily.

1. Freer use of books.

I. I think the Library would be much more useful if the books were allowed to be occasionally taken home by the Students. As few persons, if any, go to Oxford solely to consult the books in this Library, the probability of seriously inconveniencing any Student by this arrangement would be extremely small, and therefore the Librarian might safely be empowered to grant this permission whenever he thought proper to do so.

2. Exchange of books with the Bodleian Library.

II. There is at present in the Radcliffe Library a pretty large collection of Oriental MSS. (Arabic, Persian, and Sanscrit), besides a considerable number of classical and other non-scientific books. Very few persons are aware of the existence of these volumes (as there is no printed Catalogue of them, and they are not shown to visitors, unless specially asked for), and therefore they would be much more useful if they were transferred either by sale, exchange, or otherwise, to the Bodleian, which is the place where any one would naturally expect to find them. On the other hand, I think that it would be much more convenient if all the books in Oxford relating to Medicine, &c., were, as much as possible, collected together, and that therefore it would be better if, for the future, all the medical works that come from Stationers' Hall to Oxford were deposited in the Radcliffe Library instead of the Bodleian. I am aware that considerable difficulties exist in the way of bringing about such an exchange as I have suggested, but I am inclined to think that the advantages arising from it would be sufficient to make it worth while to try whether these difficulties are insuperable.

UNIVERSITY ACCOUNTS.

§ 16. It seems very desirable to lay before Convocation periodical statements of the University Accounts, especially of those of the University Press, which would enable the members of Convocation to judge whether the large funds belonging to that establishment might not be expended in a more satisfactory manner than at present. After having for many years taken an especial interest in the proceedings of the University Press, I am disposed to believe that it will be found, upon inquiry, that there is no establishment in Europe which, upon the whole, does so little for the promotion of literature, in comparison with the vast means at its command.

UNIVERSITY PRESS.

Should Her Majesty's Commissioners desire any further information on any of the above-mentioned points, I shall be happy to give it either orally or in writing, and am,

Sir,

Your obedient humble servant,

W. A. GREENHILL, M.D.

Answers from the Rev. W. W. Stoddart, B.D., Fellow and Senior Tutor of St. John's College, Oxford.

Rev. W. W. Stoddart, B.D.

MY LORD AND GENTLEMEN,

I beg to forward to you answers to certain questions which you did me the honour to send to me in November last. Subsequently to their reaching me I became aware that the University were doubtful of the legality of the Commission, and was engaged in measures which might in my opinion have rendered it impossible for me to acknowledge its authority. The answer to our petition, which has been promulgated in Convocation within the last few days, seems to have left me at liberty to give at least my own opinion upon the subjects submitted to me ; and I do so without further loss of time. I beg at the same time to express my regret that a sincere, though perhaps mistaken, sense of duty should have compelled me to shew an apparent want of courtesy towards a body who, for every reason, deserve and command my highest respect.

* This advantage would be diminished very slightly by the exceptional cases in which I have above ventured to recommend that volumes should be allowed to be taken away from Oxford.

Rev. W. W. Stoddart, B.D.

1. The possibility of diminishing the ordinary expenses of a University education, and of restraining extravagant habits.

Expenses.

Question 1.—Many attempts have been made, particularly in my own College, with more or less partial success. The ordinary College charges do not seem to call for reduction; but possibly in the expenses out of the College measures might be devised which, without being exactly sumptuary laws, might offer to the Undergraduates inducements to economy, and encourage the tradesmen to adopt a system of ready money, or at least short credit.

2. The sufficiency of the powers which the authorities possess to enforce discipline.

Discipline.

Question 2.—It seems to me essential that a fair amount of liberty should be left to the Undergraduates, in their use of which they may form habits of independent action. Our discipline, according to my view of it, should act as a salutary restraint, but not as an universal safeguard. I believe the powers at present possessed by the Authorities to be sufficient for their proper purpose.

3. The power of the University to make, repeal, or alter statutes.

Constitution.

Question 3.—The alteration or repeal of existing Statutes, or the making of new ones, is impeded by the present forms of procedure. Perhaps it might be possible to improve them, either by the extension, under sufficient restriction, of the powers of Convocation,

Legislation.

or by the permanent establishment of Committees of Delegates, the members of which might be wholly, or partially, changed every year, and the nomination to which might be vested in the Proctors, subject to the approval of the whole House.

4. The mode of appointing the Vice-Chancellor and Proctors.

Proctors' cycle.

Question 4.—The Cycle at present in use might be adjusted so as to bring it more fairly in accordance with the present altered condition of the Colleges and Halls.

5. The government of the University and its relation to the Colleges, as finally established by the statutes of Archbishop Laud.

Question 5.—I am not sufficiently informed upon the details, which this question relates to, to presume to offer any suggestion.

6. The means of extending the benefits of the University to a larger number of students,

University Extension.

(1.) By the establishment of new Halls, whether as independent societies, or in connexion with Colleges;
(2.) By permitting Undergraduates to lodge in private houses more generally than at present;
(3.) By allowing Students to become Members of the University, and to be educated in Oxford under due superintendence, but without subjecting them to the expenses incident to connexion with a College or Hall.
(4.) By admitting persons to Professorial Lectures, and authorising the Professors to grant certificates of attendance, without requiring any further connexion with the University.

Independent Halls.

Question 6.—(i.) I think that if new Halls be established (and this might be done with advantage) they ought to be independent, or at least to have only partial connexion with a College; such as, eligibility to their open foundations, the use, perhaps, of their Libraries, or, when practicable, the privilege of attending any public Lectures delivered in the College.

(ii.) I am decidedly against permitting the residence of Undergraduates, especially of freshmen, in the town.

(iii.) I am almost equally opposed to this suggestion also.

(iv.) I am doubtful whether this would be productive of any good; but perhaps, subject to judicious regulations, it might work beneficially.

Matriculation Examination.

7. The expediency of an Examination previous to Matriculation; of diminishing the length of time required for the first Degree; of rendering the higher Degrees real tests of merit; of so regulating the studies of the University as to render them at some period of the course more directly subservient to the future pursuits of the student.

Question 7.—This question is a very difficult one to answer, especially when we are just entering upon the experiment of an important change in our educational system. I believe that a Matriculation Examination for the whole University would be one very hard to regulate, and would lead to little real improvement upon the practice at present in use in most of the Colleges. The best that it could do is likely to be done, and better done too, by the new Examination Statute, which has approximated the Responsions so much nearer to the Matriculation.

Neither do I think that it would be expedient to diminish the length of time required for the first Degree; which can scarcely be called unnecessarily great at present, if there be taken into account not merely the work to be done, but also the habits to be formed in the course of it.

Higher Degrees.

Professional and individual avocations draw men so generally away from the University after their first Degree, that the ancient rules with regard to the higher ones have long been practically abrogated. It may however admit of doubt whether the real interests of the University have not suffered thereby, inasmuch as her house of Convocation may, on questions of the greatest importance, be made the representative, not of her more experienced and acting members, but of party prejudices, or of popular opinion. It is hard to say whether any remedy would be found for this in the demand, at each successive step, of some test of merit. Upon the whole, I think that it would not. To the capable it would prove only an inconvenience; and the incapable, from want either of ability or of disposition, would content themselves with what they had already done, and would in many cases cease to take an interest in the welfare of the University.

Professional Studies.

It would not be easy to render the studies more directly professional than they are likely to become under the new Statute; inasmuch as there is, except in Theology, little in-

ducement held out to men of eminence to fix themselves in Oxford. The Lawyer, the Physician, or the mere lover of science, will find his wants far better supplied elsewhere, in the Courts of Law, the Foreign and Domestic Schools of Medicine or Surgery, and in those busier scenes in which the scientific progress of the age is alone most profitably studied. It is not too much to hope that our reconstructed schools will supply the elementary instruction, which is all that is required at starting, and impart, perhaps, the tastes, the habits, and the principles which fit the Student for success, whatever may be the ultimate object of his pursuit. *Rev. W. W. Stoddart, B.D.*

8. The expediency of combining the Professorial with the Tutorial system; of rendering the Professorial foundations more available for the instruction of Undergraduates generally; of increasing the number and endowments of Professorships; of providing retiring pensions for Professors. PROFESSORIAL SYSTEM.

Question 8.—No doubt a combination of the Professorial with the Tutorial system would be preferable to either separately; for the peculiar advantages of each are quite consistent with one another. But there are difficulties in the way of it. Except the limits of the Academical year be a good deal extended, the question of the distribution of time would be one of these; so also, on certain subjects, would be that of numbers; a third would be found in some such considerations as the following: the Professor can only come in partial contact with those who attend his Lectures; much must still be left to be supplied; and though this evil exists, to a certain extent, at present, it would only be aggravated by anything that withdrew the pupil still more from the supervision of the College Tutor. And yet there is a manifest advantage in rendering the services of any eminent man available to others besides those of his own College. Probably some system might be devised by which Professors should be so multiplied that a choice might be left to the Student as to which of several courses on the same subject it would be most for his advantage to attend. And as, in that case, the office would not seldom be held by actual, or quondam Tutors, their habits of intercourse with their pupils, instead of being interrupted, would rather be encouraged and extended, as far as their numbers made it possible. It is also very important that regard should be had to the provision of pensions for retiring Professors, lest the services, which were once valuable, should become comparatively useless, or even injurious, as superseding those which would most profitably replace them.

9. The most eligible mod of appointing Professors; and the effect of existing limitations or disqualifications upon the appointment of Professors. Appointment.

Question 9.—The election of Professors might, I think, with advantage, be vested in Convocation; and to judge from the present practice, their tenure of office might be limited to a certain period; thus affording to the University a wider choice, and a better chance of securing candidates of rising talent.

10. The effect of the existing limitations in the election to Fellowships, and in their tenure. RESTRICTIONS ON FELLOWSHIPS.

Question 10.—As a member of a close Foundation I may be prejudiced in favour of our own system, I do not wish to see it universally adopted; but I do think that its existence is of great advantage to the University. By connecting her, as it does, with the Public Schools of the country, it ensures a succession of members best qualified to do her credit; and at the same time it establishes amongst them, when they come here, a spirit of honourable emulation which I have often seen productive of much good. That this is no unusual occurrence may be gathered from a Table, which I subjoin, of the First Classes during the last 11 years, that is, since I entered upon my office as College Tutor. It will be seen that my own College has fully earned her share of University distinction, and that this has been achieved mainly by members of the Foundation.

——	Class.	Math.	——	Class.	Math.
Balliol	22	5	Oriel	4	3
Christ Church . .	12	6	Corpus Christi . .	4	3
Trinity	12	3	Merton	2	4
St. John's . . .	9	6	Pembroke	2	2
University . . .	8	4	Magdalen. . . .	3	..
Exeter	5	5	Magdalen Hall . .	2	1
Lincoln	8	1	St. Mary's Hall . .	2	1
Wadham	7	2	New Inn Hall . .	1	1
Queen's	5	4	New	1	..
Brasenose . . .	1	7	Alban Hall . . .	1	..
Worcester. . . .	6	1	Jesus	..	1

With the exception of Christ Church, the position of the Colleges on this list has not materially varied during the whole time. St. John's has numbered among her Fellows two Double Firsts, and six single ones; the remaining have been gained by two former Bible Clerks and three Commoners. Case of St. John's Colleges.

I should be sorry to see any alteration in the tenure of our Fellowships, except perhaps in the single rule of requiring a Fellow to enter into Holy Orders. But as I do not think myself at liberty to interfere with the manifest will of our Founder, I speak of this restriction rather with reference to the University in general, as a change which, where allowable, would be beneficial. Clerical restrictions.

11. The propriety of abolishing the distinctions between Compounders and ordinary Graduates; between Noblemen, Gentleman-Commoners, and other Students; and also the distinctions with respect to parentage at Matriculation.

Rev. W. W. Stoddart, B.D.

Question 11.—I am in favour of the abolition of all distinctions in the matter of fees or other payments, or in that of University position among the Undergraduates on account of birth, rank, or fortune.

DISTINCTIONS OF RANK.

12. The means of fully qualifying Students, in Oxford itself, for Holy Orders, and of obviating the necessity of seeking Theological instruction in other places.

THEOLOGICAL INSTRUCTION.

Question 12.—I believe that in reality as much is now done towards this point as is necessary during the Undergraduateship: after that there are serious objections in my mind to the residence in Oxford of those who are desirous of entering into Holy Orders. Old associations and habits, the companionship of younger and more inconsiderate friends, and many other such things are likely to do them generally much harm; while their condition of partially relaxed discipline makes demands upon their self-restraint here which would not be felt elsewhere.

ADEQUACY OF PRESENT MEANS OF INSTRUCTION.

13. The capability of Colleges and Halls, as at present constituted, to furnish adequate instruction in the subjects now studied, and in those introduced by the recent Examination Statute.

Question 13.—Some difficulty will naturally be found at first in providing instruction upon all the subjects required by the new Statutes. But the want will create the necessary supply.

PRIVATE TUITION.

14. The system of Private Tuition, and its effect both on Tutors and Pupils.

Question 14.—I am of opinion that the system of private Tuition is a most valuable one: and I do not know whether the Tutor, the Pupil, or the University, derives the most benefit from it. The Tutor, who is often limited in his means, and as yet has no professional position, is enabled to support himself by his own exertions, while qualifying himself for his after duties, and at the same time he is adding to the body of able men from whom is to be drawn the supply of College Tutors and University Professors. By continuing to reside in the University he witnesses, and perhaps takes part in the progressive improvements in her system, and fits himself to act with, or to supply the place of, those who have to modify their own practice in accordance with the changes thus rendered necessary. On the other hand, the Pupil finds in his private Tutor the personal and individual care, to which their more intimate relations give birth; and he is stimulated in his own exertions by the guidance and encouragement of a familiar friend and adviser.

15. The means of rendering Bodley's Library more generally useful than at present.

16. The propriety of laying periodical Statements of the University Accounts before Convocation.

I do not feel myself qualified to offer an opinion upon the subjects referred to in the two remaining questions.

I have the honour to remain,
My Lord and Gentlemen,
Your obedient servant,
WM. WELLWOOD STODDART.

J. Phillimore, Esq., LL.D., F.R.S.

*Answers from J. Phillimore, Esq., LL.D., F.R.S., Regius Professor of Civil Law, late Student of Christ-Church.**

SIR,

I BEG to submit the following answers, seriatim, to the several queries you have propounded to me under the directions of "Her Majesty's Commissioners for the University of Oxford, who are charged with the duty of reporting to Her Majesty on the State, Discipline, Studies, and Revenues of the University, and Colleges of Oxford, and required to report their opinions on the subjects referred to them:"—

EXPENSES.

1. The ordinary expenses of an University education are not heavy or excessive.

There are many Undergraduates, who mix in the best society of the place, who have yet very limited incomes, and who live at a very moderate expense.

Of all places in England the University of Oxford is the one in which the possession of money and the display of wealth are of the least avail. Doubtless there are many Undergraduates habitually extravagant and expensive; but these are not the persons who give a tone to the general mass of society, or who rank high in the estimation of their fellows.

I am clearly of opinion that sumptuary laws will not cure the evil. Reformation of dissolute and expensive habits is only to be sought in the reformation of the moral character and change of feeling in the persons addicted to idleness and extravagance; and if the ordinary modes of reproof and exhortation fail, the sooner such delinquents are placed without the pale of the University, the more conducive will the result be to the general good.

This class of Undergraduates has never acquired popularity in the University.

In the lapse of years I have naturally had many relations and connexions amongst the Undergraduates of the University of Oxford; indeed four of my sons have, at different periods, graduated at Christ Church, and, as far as my experience goes, I should say that the ordinary expenses of an University education are not excessive, nor heavier than can be defrayed by parents of moderate and limited incomes; and, where diligence and learning are superadded to good conduct, there is no place where young men of moderate and limited incomes can obtain a better position in the society of the *'ομιλικῆς ἐρατεινῆς*.

Of course my observations do not apply to extraordinary expenses.

DISCIPLINE.

2. It is equally clear to me that the powers actually possessed by the authorities are ample, if properly exercised, to enforce all discipline.

CONSTITUTION.

3. I apprehend that the University is invested with full power to make Statutes, and, gene-

* For Dr. Phillimore's Evidence as Professor, see Part II., p. 254.

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rally speaking, to alter and repeal such Statutes as exist, with the exception, perhaps, of those which have been sanctioned and confirmed by Royal authority (see University Statutes tit. x., s. 2).

Laudian Statutes.

I incline to the opinion that the University cannot, *per se*, alter or repeal this class of Statutes, although it seems to me clear from the context, that she can alter or vary them in any way with the special permission of the Sovereign.

I do not, however, speak positively on this subject, because till this moment I have never been called upon to consider the question it involves. The result, in my judgment, is, that the University has either power in herself to alter or repeal this particular class of Statutes, or that she has the power to do so with the concurrence of the Sovereign, which, it is to be presumed, would not be withholden on good cause being shown for any alteration or repeal.

Vice-Chancellor.

4. I see no objection to the present mode of appointing the Vice-Chancellor; but this again is a question to which I have not heretofore been called upon to give any deliberate consideration.

Proctors.

With respect to the appointment of Proctors,—undoubtedly the great alteration introduced by the "Caroline Statutes" was a considerable improvement on the mode of selecting these officers which had been in force previous to that period; and, as far as my observation has gone, it has generally worked well. But it has occurred to me to doubt whether the Proctors are not, in the discharge of some of their functions, so elevated above the other Masters of Arts, and so invested with exclusive privileges, as to operate as a bar to as unreserved an intercourse as would be desirable between the Hebdomadal Board and the other members of Convocation resident in the University. Assuredly it would be much to be wished that the intercourse between these two classes should be cultivated and extended; and as far as the Proctors act as an estoppel to this in certain instances (as they alone represent the other members of Convocation), alteration would be desirable.

The reasons which applied to this exercise of privilege in former days, when the Proctors were selected merely because they were pre-eminently distinguished above their contemporaries, does not apply to our times, when there are so many resident members of Convocation distinguished by their talents and their learning.

Veto of Proctors.

To illustrate this by example. I would refer to the power which is given to the Proctors (University Statutes, tit. x., s. 1) of putting a stop to, and extinguishing any measure which may have been submitted to the judgment and consideration of Convocation, by their own mere authority, without the concurrence of the Vice-Chancellor or any other member of the assembled body. It does not appear to me to bej ust or reasonable that the two Proctors, by themselves, should be invested with the exercise of so vast and so arbitrary a power.

6. I apprehend it to be a great object, in a national point of view, to maintain and uphold the University of Oxford in its actual vigour and efficiency. To secure this permanently the University must be compact, and so circumstanced with respect to interior government and discipline as to be capable of having her authorities called into prompt and immediate action.

University Extension.

In any view, therefore, that I can take of this question, I do not think that it would be beneficial to the University, or assistant to her credit and character, that her capacity for the reception of a much larger number of Students than are now resident within her walls should be much enlarged.

Such an increase might render the whole system unwieldy and cumbersome, and unfit it for the due discharge of her proper functions.

If the exigency of the State require an extension of academical education, surely it would be more satisfactorily effected by the foundation of other academical institutions elsewhere, rather than by a resort to measures which might have a tendency to diminish and impair the efficiency of the Universities already existing.

Halls.

(1.) At the same time I should not entertain any objection to the establishment of one or more new Halls, although I think little of the value of any such establishments as a remedy for the evils glanced at in this question.

If, however, new Halls are to be established, it is clear to me that their use and influence would be more beneficial as independent societies, than as connected with other Colleges.

Lodging-Houses.

(2.) Of all the objectionable alterations which could be contemplated, as far as the University of Oxford is concerned, I think one of the most objectionable would be a permission to Undergraduates to reside, *immediately* after matriculation, without the precincts of their several Colleges, and, consequently, in private houses in the town of Oxford.

As far as my experience goes, such a change, wherever introduced by the Colleges in Oxford, has been characterized by signal failure; indeed it can hardly be otherwise, seeing that it is next to impossible that Undergraduates, residing in private houses in a great city, should be rendered subject to the ordinary rules of just and necessary discipline in the University.

Attendance of Strangers on Professorial Lectures.

(3 and 4.) The scheme suggested seems calculated to lower the tone and character of the University, and savours of a return to a ruder system, which prevailed, indeed, in the infancy of the University, but to which all the improvements of modern times, and all our admirable formularies and institutions, have for a long time been completely opposed in principle and practice.

Matriculation Examination.

7. In my judgment it would not be advisable for the University, in its collective capacity, to institute an examination of its future members previous to matriculation. Some examination is necessary; but that may be better and more safely left to the judgment and discretion of the authorities in each individual College.

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In the society with which I am best acquainted, such previous examinations have always been had; but care, as I have understood, has been taken not to raise the standard of qualification for admission too high, but rather to probe the groundwork of the attainments the candidate may possess; for example, if he be found competent in Homer and Virgil, it would seem to follow that, with due diligence and exertion, he may rise to distinction, and even eminence, in all scholastic attainments before he graduates.

I do not conceive that it would be in any way desirable to "diminish the length of time which is now required for the first degree."

Such an abbreviation of the time would assuredly lead to superficial results.

Three years and a-half are not too much to bestow on those studies, and that course of literature which is to be the groundwork and foundation of future excellence, and to qualify the Undergraduate for the higher labours and general business of public or private life.

Professional Studies.

It is not a mere opinion of my own, but an opinion which I have imbibed from some of the greatest masters in the science of education with whom it has formerly been my lot to be conversant, that, *cæteris paribus*, it is preferable that a young man should not decide as to the particular line of profession to which he is to devote himself till he has taken the Degree of A.B., inasmuch as the same preliminary study and literary discipline fits a person alike for the state and for the bar, and more especially for the church.

Of course there must be exceptions to this general rule where any decided or overwhelming tendency impels a young man to a particular course of study, or where any particular line of relationship or connexion makes an earlier choice of a profession consistent alike with wisdom and duty.

The future pursuits of the student, thoroughly based on this liberal and solid foundation, are more likely to conduct him to eminence than the early training to one particular branch of study, which has too often the effect of narrowing the scope of the mind, and fettering the capacity for the grasp of general intellectual attainment.

Higher Degrees.

I think it would be difficult in practice to render the higher Degrees real tests of merit; and, further, it seems to be that the inconvenience and difficulties attendant on such an attempt would more than counterbalance the theoretical advantages which might be expected to result from so violent a change.

Professorial System.

8 and 9. It would not accord with our system to increase the number of Professors. More Professors are not required; and, it is to be remembered, in our scheme and course of education the Tutor in each individual instance stands in the place of the Professor in foreign Universities.

Restrictions on Fellowships.

10. I am very decidedly of opinion that there should be no "limitation in the election to Fellowships and in their tenure;" but such as have been enjoined by the Founders of such Fellowships. Abstractedly speaking, all such limitations are fraught with objection, and so in civil society are many of the limitations of property made by competent testators; but it would shake society to its base if any alterations were made in such limitations.

If, however, the University has accepted endowments under specific conditions, I apprehend that the University is bound to maintain those conditions inviolate, or to surrender the property which she holds in virtue of such conditions.

Every man is master of his own charity, to appoint and qualify it as he pleases. To use the memorable words of Lord Holt, in the great case of Phillips *v.* Bury, "I must say that if the Head and Members of a College will receive a charity with a yoke tied to it by the Founder, they must be content to enjoy it in the same manner in which they have received it from him. If they will have one thing, they must submit to the other."

Distinctions of Rank.

Grand Compounders.

11. I see no good reason for maintaining the distinction between Compounders and ordinary Graduates; but I see excellent reason for maintaining the distinctions between Noblemen, Gentleman-Commoners, and other Students. Inequality in these classes is in perfect accordance with the fundamental principles of the British constitution, which delights in the variety of classes, and repudiates every attempt to reduce all conditions of men to one dead level, leaving it at the same time open to every person in each grade of society to mount to a higher grade,

Noblemen.

should his industry and ability enable him so to do. The distinctions given to Noblemen are,

Gentleman-Commoners.

generally speaking, only to actual peers or their eldest sons; whereas the Gentleman-Commoners or Fellow-Commoners, as the case may happen, are usually in the *çi-près* possession of considerable property; and it is not unreasonable that they should pay higher fees, &c., to their Tutors and College dues than Students who have less ample means of maintenance and support; the general mass is benefited by such an arrangement.

Fees.

As to the more trivial circumstance of the distinctions with respect to parentage at matriculation, I do not see that any change is especially called for. It is to be observed that the son of a clergyman pay the lowest fees, except what is termed the Plebis-filius; the fees paid by the sons of knights appear rather out of proportion.

Theological Study.

12. Oxford seems to possess advantages beyond every other place for qualifying Students for Holy Orders; and, this being so, there can be no necessity for their seeking theological instruction elsewhere. Oxford positively abounds with theological instructors of the highest class, not only in the main branches of Theology, but in every subordinate branch. Instructions are given free of all expense to the Students. Again, Oxford abounds in ample and well-furnished libraries of books on divinity, which are more or less accessible to every Student. Oxford also affords a better choice of society for Students in divinity than any secluded place, where the society may be so limited as to cramp the liberality of the Student's mind, and qualify him more for a monastic establishment than for the liberal and enlightened profession of the Anglican church.

Adequacy of Present means of Instruction.

13. If properly administered, I see not why the Colleges and Halls, as at present constituted, may not be fully capable of furnishing adequate instruction on the subjects now studied,

and on those introduced by the recent Statute—subjects, however, which were always much studied in the University, although they have only recently become the objects of statutory interference. *J. Phillimore, Esq., LL.D., F.R.S.*

14. I think the system of private tuition, as at present prevailing in the University of Oxford, highly objectionable. A Private Tutor is, in many instances, very useful, and may be rendered very assistant to the Studies of a young person, who, from neglect or indolence, is not on a par with his fellows. PRIVATE TUITION.

But that all candidates for high Degrees should have Private Tutors is to carry the intolerable system of *cramming*, if I may be allowed the expression, to the highest pitch. The consequence is, that the honour attained by the Degree becomes the result of the *cramming* of the skilful and practised Private Tutor, but wholly fails as a test of the learning and abilities of the Undergraduate examined.

It is to the extreme to which the system of private tuition has been pushed that I am inclined to attribute the great falling off in the classical taste and erudition observable among the Undergraduates of the present day.

The system introduced by the Statute of 1807 has produced more general reading in the University. There are, perhaps, fewer idle Undergraduates; but I am very apprehensive that there are not so many profound scholars, nor so many persons of varied learning, amongst the candidates for the Degree of B.A. as there were antecedent to that period. If I am not mistaken in my view of this question, the system of these examinations is the point which stands most in need of the deliberate attention and reconsideration of the University.

15. It would be difficult, perhaps, without violating the express ordinances of the Founder, to make the Bodleian Library more generally useful than it is at present. It is open and accessible to all persons engaged in works of science and literature; and it is further to be observed that each College has a peculiar library of its own, to which resort may be had by all Masters of Arts, and generally by all Students who have taken their Bachelor's Degree. BODLEIAN LIBRARY.

16. I really never considered the subject involved in this discussion, and am not sufficiently acquainted with the details to give an opinion respecting it. UNIVERSITY ACCOUNTS.

JOSEPH PHILLIMORE,
Regius Professor of Civil Law in the University of Oxford.

Doctors' Commons, November 29, 1851.

The Rev. A. P. Stanley, Secretary,
&c. &c. &c.

Evidence of H. W. Acland, Esq., M.D., Lee's Reader in Anatomy, late Fellow of All Souls. *H. W. Acland, Esq., M.D., F.R.S.*

The condition of the University in respect of Medicine is such that it is very difficult in few words to express an opinion concerning the state of any branch of study connected with it.

The University has, as is well known, the power of granting Degrees in Medicine, and giving licence to practise.

On the other hand, the University has not attempted to provide a system of medical education. PRESENT STATE OF MEDICAL STUDY.

It would be difficult under existing arrangements, and perhaps not desirable, to attempt to form here a Medical School, *properly so called.*

It would be difficult under existing arrangements, because the Professorships are improperly divided, and their emoluments are so small that they are scarce worth possessing, unless two or three are held by one person. Thus the Regius Professor of Medicine is, *ex officio,* also Aldrichian Professor of Anatomy and Tomline's Reader of Anatomy; but he has no museum, no dissecting-room, no apparatus attached to either of the three offices. The only Lectures on Medicine have of late been given not by the Regius Professor, but by another Professor, Dr. Ogle, who is Aldrichian Professor of Medicine and Clinical Professor. Lee's Reader in Anatomy, who has a museum in Christ Church, is not an officer of the University, as will appear from statements I shall add to this paper. What the University cannot do.

It would be undesirable to attempt at present to offer a complete medical education at Oxford, because a small provincial hospital does not present advantages in respect of practice equal to those to be found in similar institutions in the Metropolis.

The University might, however, render great service to the country at large, and to the science and profession of Medicine in particular (adding thereby much to her own character), if she were to define clearly what she can do with effect in the training of Medical Students; set herself to do this, and leave unattempted for the present, at least, the discharge of functions which she need not undertake, or has not the means of performing satisfactorily.

What the University can do thoroughly is,—

1st. To give a general liberal education to Medical Students; a preparation greatly needed for all branches of the profession, but absolutely indispensable for the higher departments. What the University can do.

2nd. To instruct in the preliminary sciences, for the teaching and study of which an University such as Oxford offers greater positive advantages than can be found in a large metropolis.

These opinions have been stated more in detail in a letter concerning the Extension of Education in Oxford,† from which I beg leave to quote the following extracts:—

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* For Dr. Acland's Evidence as Lee's Reader, see Part II., p. 282.

† Remarks on the Extension of Education at the University of Oxford, in a Letter to the Rev. W. Jacobson, D.D., &c., by H. W. Acland, M.D., &c. Parker. Oxford. 1848.

H.W. Acland, Esq., M.D., F.R.S.

Reasons against a complete Medical Education in Oxford.

"If an additional school were wanted, I do not think Oxford the best place for such a school. Oxford is a county town of no large size, so that the hospital cases are far more limited in number than in the metropolis of this or other countries; a large field for clinical observation is absolutely necessary for a good Medical School. A small hospital will teach any man much; a large one will teach him more. To most Medical Students every day in the wards is precious; and the more they can see in the days of their pupilage, the better for them in the years of their practice. I do not mean to say that a large Medical School cannot be created by a great man on the basis of a small hospital, either here or elsewhere, just as a Chemical School has been created at Giessen by Liebig; or as a Law School might have been created by Blackstone here in Oxford; but whatever success attended such a school, it would probably die with its Founder. The want of extensive hospital practice, as well as of other advantages attendant on early reputation in London, and other large towns, will sooner or later make a school in a town of this size (found it who may) inferior to the schools of London, or Edinburgh, or Paris, or Dublin.

"What is necessary to the country in this matter is that there should be large practical schools to make good practitioners: where they are matters not. It is no duty of this or any other University to teach what it cannot teach well, and what is already, and always will be, well taught elsewhere."

Reasons why the Preliminary Sciences should be taught to Medical Students in Oxford.

"However, though a complete school of Medicine is not likely to be established, nor, indeed, is to be desired here, yet no one can doubt but that a school for the branches of knowledge introductory to the study of Practical Medicine can be carried on here with the best possible results, and (as I think) with great success.

"At the outset of his studies in the great hospitals, the Medical Student has his mind distracted and his time taken up by the multiplicity of subjects which must be studied at once. Often he has to attend four or five Lectures in a day, on various subjects, besides his hospital practice; by the time these are over he is perhaps so worn out, that he has no time or energy to arrange and order what he has heard, still less to inquire further, and examine books illustrative or explanatory of the Lectures. Now if these subjects were divided into partially professional and wholly professional, and the former could be disposed of while in residence at Oxford, how great would be the gain to the Student! For these studies he would have the quiet of this place, instead of the hurry and bustle of the hospital; his mind would be fixed on comparatively few subjects, which he would have time to master thoroughly, and he would find leisure and opportunity (in our noble libraries, and the practical laboratories I hope to see in the new Museum) to extend and improve his knowledge to the uttermost.

"We wish to engraft a semi-professional upon our general education, and to send out the Medical Student better prepared to enter upon the perplexing and difficult studies which await him at the great hospitals, able to avail himself more fully of the teaching and experience of those hospitals, as also to use aright the other means of instruction, the museums and societies, which the metropolis alone can afford.

"Young men so prepared could not fail to take a high place among the Students, and to confer by their superior general education some advantages on their Medical Schools; and they would be able to carry on more advanced scientific inquiries in Anatomy, Pathology, or Chemistry, simultaneously with their Clinical studies, in a manner which none could without such preparation.*

"Such a change would confer a service on the Medical profession, and through them on the country at large. But not only so; it would be of great and manifest advantage to the University herself; for in consequence of this change, the Professors of the Natural Sciences would be called into active operation, instead of lying idle, as they are now obliged, against their will, to do; and thus would be removed one of the many scandals or anomalies which our enemies are fond of casting in our teeth. Moreover, the introduction of such semi-professional education would be of great use in furthering that general study of the Natural Sciences of which I have spoken above, and which I hope you will agree with me in thinking necessary for all who would aspire to the name of gentleman and scholar. I cannot imagine anything more likely to extend our views, and widen the range of our pursuits, than the presence of a set of intelligent young men, actively engaged in the pursuit of Natural Knowledge as a truth and a reality."

Natural Sciences which should be fully taught here.

Natural Sciences which might be taught at Oxford.

The subjects which might be adequately taught here (and some others may be added hereafter), in accordance with the views just recited, are—

Natural Philosophy.
Chemistry.
Human Anatomy and Physiology.
Comparative Anatomy and Physiology, with Zoology.
Botany.
The Elements of Pathology.

Arrangements required for effectively teaching them.

Arrangements for teaching them.

Of the arrangements for the prosecution of the two first and fifth of the above subjects it is not my place to speak. The incompleteness and inconvenience of the existing provision for teaching the remaining subjects have been shown above.

It is more difficult to point out the course to be taken to supply a remedy; but the following is, in my opinion, an outline of the objects to be aimed at:—

The Regius Professor of Medicine, who is now Professor of Anatomy also, should superintend the general arrangements in the University connected with the instruction and examination of those who are to be Students in Medicine. Bearing in mind the essentially practical character

* I have heard it suggested, though it is not for me to offer any opinion on the matter, that (*mutatis mutandis*) there might be here a similar semi-professional education for Law Students before they leave the University for the practitioners' chambers.

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of the Healing Art, he should be responsible for the Medical rather than for the Anatomical instruction. He should himself teach those parts of General Pathology which would prepare the Student for pursuing his clinical studies in the metropolis, or other great cities.

New distribution of Professorships.

The Professor of Anatomy, who should not be necessarily the Regius Professor of Medicine, and might properly be called Professor of Physiology, should of course direct the Physiological branch of the Natural Science School, and have at his command the means of teaching, and a museum. He has now neither.

Professor of Physiology.

How far these objects can be attained, and what available funds there may be, I cannot say; but supposing that there be, as now, a Professor of Natural Philosophy, of Chemistry, of Botany, there should be a Professor of Medicine, charged with the duties above defined, a Professor of Physiology, having a salary adequate to support him without other engagements, who should teach Human Physiology at one period of the year, and Zoology and Comparative Anatomy at another. He should be the person responsible for the Anatomical Museum, and he should have power to appoint a Lecturer in Anatomy, if he should desire to be relieved of the duty of lecturing on Descriptive Human Anatomy. The Lecturer might be a Resident Physician or Surgeon in practice in the city, who would, in his younger days, gladly undertake this office for a very moderate salary, being annually appointed by the Professor of Physiology, or by a Board of Professors of the Natural Sciences.

Professor of Medicine.

The Professor of Medicine should be at liberty to follow the practice of his profession, or be one who had extensively engaged in it, without which he would hardly command the confidence of his colleagues or of his pupils, or possess the practical knowledge which alone can teach him the real wants of the Students.

The Professor of Physiology should be required to confine himself to the duties of his chair and of his Museum, in order that he might keep pace with the progress of his science.

Erection of a new Museum.

With a view to the efficient working of these various Professorships, it is highly desirable that a comprehensive Museum should be erected. The several collections illustrative of the various Physical Sciences should be arranged under one roof, with a proper library, reading-rooms, work-rooms, &c. They are now scattered over the University, and, without exception, confined for want of room: in but one is there a resident servant.

Many Members of the University have interested themselves much in forwarding this scheme. It is, moreover, at present under the consideration of the Heads of Houses. In the words of a prospectus, issued by the "University Museum Committee" to every Member of Convocation—

> "There is reason to expect that it will eventually include adequate room for the reception of Zoological, Geological, Mineralogical, Anatomical, and Chemical collections, for a series of apparatus of Experimental Philosophy, together with lecture-rooms, laboratories, &c., for the use of the Professors and Students of these several departments of Science; for the valuable Entomological collection and library lately presented by Mr. Hope; for a general scientific library, and, possibly, for a collection of antiquities."

However much I may regret the expenditure of a large sum of money in building, yet I feel convinced that it would be a greater waste of means to endeavour to improve the several buildings in which the collections of Zoology, Mineralogy, Geology, Chemistry, and Anatomy now exist. Besides, in truth, there are no proper lecture-rooms or laboratories for Students; and it is quite certain that, until provisions are made by which Students can work practically themselves without inconvenience, no real progress will be made by them. Nothing would tend more to render effectual the new school of Natural Science than the consolidation of these resources of the University, and the placing them thereby in that natural connexion with each other, which it is important for the Philosophical Student to apprehend from the outset of his career.

It was proposed in the pamphlet above referred to (p. 32) that "a Board should regulate all things relating to the Medical faculty," among these should be included the Anatomical Museum; and the same Board, in conjunction with all other Professors of the Natural Sciences not already upon it, should direct the whole Natural History collection, or the New Museum. For however great a hindrance to business Boards may be, upon the whole the absence of united action without them is in a University a greater evil.

Changes requisite in the Examination, Licence, and Degrees in Medicine.

Changes needed in the Examination, Licence, and Degrees in Medicine.

I may venture to add further, that a change in the examination for Degrees in Medicine may be desirable. The examination should be conducted as is that in the College of Physicians, or at least not be less rigorous, nor seem to be so; and at the infirmary Clinical Examinations might be held. After three years' study a Student of Medicine may now receive here the Degree of M.B., and *with it* the licence to practice, and he is called by courtesy "Doctor." But for the next three years he cannot become M.D., and then only upon the recital of a Thesis approved by the Regius Professor of Medicine. An instance has, I believe, occurred of the rejection of this Thesis, but nothing can be more absurd than that a public body should reject a man whom at a previous period it had licensed to practice "per universum Angliæ regnum."

Surely it would be better that at the M.B. Degree there should be an examination in the preliminary sciences, and then at the M.D. there would follow such further examination in these as might from time to time be judged to be proper, and the testing the Candidates in the practical parts of medicine; and then only (that is at the M.D.) should the licence be given. The period of study for the proposed subjects for the M.B. should date from the "First Examination," and a complementary period up to five years should be given to Clinical study. The infirmary could be turned to good account in connexion with the Pathological Lectures at the later periods of "preliminary" study, and might be used Clinically by more advanced Students, whom inclination or fortuitous circumstances detain here.

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The changes which are proposed above may be carried out without reference to any other bodies, but the entire adjustment of our Medical Degrees is involved with questions of great complexity and conflicting interests. These are partially discussed in the letter already quoted; but in truth, until the medical profession at large, or competent persons in Parliament, decide on a general revision of the powers belonging to the several bodies who grant Medical Degrees, or give licence to practise in the United Kingdom, Oxford can do nothing efficiently or honourably in the alteration of her own privileges. When that time comes, she will, I doubt not, do her duty; and, as seems to me, that duty will lie in assisting the Legislature to establish one uniform examination for licensing English Physicians, so that the real value of the Degree of M.D. may be known. A large number of Physicians practising in England practise without licence from Oxford, Cambridge, or the College of Physicians of England; though these are the only bodies who can, according to law, license them.

If there is to be uniformity of qualification, all persons, before obtaining their Degree, should be examined by the College of Physicians of that branch of the kingdom in which they practise—the Legislature in this case requiring the Colleges to enjoin the same course of study, and to secure the same amount of proficiency; and the University, where they are educated, should grant the Degree:—so, M.D. Londin., M.D. Oxon, M.D. Cantab., M.D. Edin., would designate a person educated in the University of London, Oxford, Cambridge, or Edinburgh; and if practising in England, licensed by the English College of Physicians; if practising in Scotland, by the Edinburgh College; if in Ireland, by the Dublin College. The only other arrangement I can at present see to be simple and efficient would be the establishment of one Examining Board for the United Kingdom. This, if feasible, would be probably unpalatable to every one of the three Colleges of Physicians.

In this plan no notice is taken of the provisions respecting Physicians in the Army, Navy, and Colonies. The two first have their own arrangements; the India Board theirs; and the Colonies, till they have their own schools (which will soon be the case with the chief of them), would be supplied, as now, by persons licensed by each Metropolitan College. Nothing in this will hinder any person from studying in Scotland and practising in England, or *vice versâ*. He may graduate in one part of the kingdom, and have his licence to practise from another, if he please. As it is, an Oxford M.D. now usually becomes a Licentiate of the College of Physicians in London; so that the way is open to him to be elected Fellow, and to have a voice in the affairs of the College. It would be idle, however, of Oxford to surrender her power of licensing to practise, unless a thorough revision, such as I have proposed, be effected; and unless the College of Physicians institutes the same tests for Physicians who are to practise in London and for Physicians who are to practise in the country: this is not now the case.

I allude to all these questions here as one means of recalling the attention of the Government to the confused and hitherto impracticable condition of "Medical Politics."

Subjects of Examination in the "Physiological School."

Physiological School.

I must beg leave to add one word concerning the Physiological Examinations in the new School of Natural Science, a subject not yet discussed.

I am of opinion that, before anything effective is done in this department, what I have proposed concerning a Professor of Physiology must be arranged. Meanwhile, I may venture to say, 1st, that I think the London University has acted judiciously in fixing *subjects* for Examination in Physiology for the B.A. Degree rather than *books*.

2ndly. That honours in this science should be given in the ascending scale:—

1st. To accurate acquaintance with the science generally, as represented by works such as those of Dr. Carpenter or Müller.

2ndly. To dissections with written descriptions, added to the above.

3rdly. Over and above these, to a thorough mastering of great monographs, as Mr. Owen's "Report on the Vertebrate Skeleton;" many Papers in the "Phil. Transactions," or in "Annales des Sciences Naturelles," "Müller's Archives," &c.

4thly. To original researches, with the observations, experiments, and dissections on which they rest.

The subjects that have been touched upon above might be stated in great detail, but perhaps this outline may sufficiently explain the present condition, and suggest for the future an alteration in the course of the study of Medicine in Oxford.

Oxford may do important service in the general Education of Medical Students.

General Education of Medical Students.

Her Majesty's Commissioners will be pleased to observe, that the opinions expressed above are only given as those of a private person; but as long ago as May, 1848, some of them seemed of sufficient importance to induce me to lay them before the Hebdomadal Board, and afterwards to publish them in the pamphlet above referred to.

Now their importance depends not upon their bearing on the duties and interests of Oxford only, but on their relation to the community at large, who are more interested in the moral and religious culture, as well as the intellectual training of Medical Students, than they are generally aware.

It is admitted on all hands that there is more need for improvement in the general than in the professional education of the Medical Student; in proof of this, I would refer especially to the four Reports from the Committees on Medical Registration and Medical Law Amendment, ordered by the House of Commons to be printed in 1847-8, to the Bye-laws of the Royal College of Surgeons of England, to the recent enactments of the University of Dublin, and to the Regulations (1851) of the Society of Apothecaries. This desideratum (general

education) Oxford can most assuredly supply. If education in arts can be obtained without great expense, and if there are Scholarships and Fellowships open to Students distinguished in the school of Natural Science, there can be no doubt that many who propose to practise as Physicians or Surgeons, or Apothecaries, will avail themselves of the advantages thus offered to them. Even now there are special opportunities for Medical Students but little known; as, for instance, in All Souls (the College of Linacre and Sydenham) four Fellows may be exempted from taking Orders, on the ground that they may proceed in Medicine, and this is not the only example. *H.W. Acland, Esq., M.D., F.R.S.*

The main objects which are suggested in this paper may be summed up in a few words.

1st. To rearrange the Medical and Anatomical Professorships.

2nd. To erect a building including the Natural History collections, lecture and working rooms.

3rd. To offer a sound education in Arts at the least possible expenditure of time and money to *all* classes of the medical profession; and by way of inducement to persons to avail themselves of this,

4th. To take the Students, after the course of Arts, through the sciences which lie at the foundation of Rational and Practical Medicine; and

5th. To give the solid advantages of Scholarships and Fellowships to those distinguished in the Natural Science School.

6th. To aim at obtaining one standard for the qualification to practise with the Degree of M.D. through Her Majesty's dominions, the Degree of M.B. being given to all Students who pass the examinations in Arts and in the Natural Sciences, whether they be intended to practise as physicians or surgeons, or general practitioners.

Answers from Charles Neate, Esq., M.A., Barrister-at-Law, Fellow of Oriel College.

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RESTRICTIONS ON FELLOWSHIPS.

In dealing with close Fellowships there are two distinct points to be considered, the one is the obligation to abide by the wish of the Founder, the other is the respect due to the present and future interests arising out of it.

It is not in either view of the case a mere question of law, but it may be useful to consider, with reference to each, what, if any, is the beneficial legal right to be affected or destroyed, and in what way also similar or analogous rights have been dealt with by legislation or by law.

No legal right in the heirs of the Founder.

As to the first point, there is not, I think, in the heirs of the Founder, where alone it could be, any legal right by way of reverter or forfeiture to enforce the obligation of the statutes, in reference either to close Fellowships or to any other matter.

It is very true that in law a gift to a Corporation, without the expression of *any ulterior purpose*, leaves subsisting on the donor and his heirs, not what lawyers call a reversion, for there is no estate left undisposed of, but a possibility of reverter to take effect upon the extinction of the Corporation; and it is true also that a Corporation, by neglecting to fill up vacancies in its number, or by electing persons not duly qualified to fill them, might extinguish itself, and the right of reverter would then have place.

But even if all this held good in the case of gifts to Colleges, it might be urged against it, that rights of reverter far more proximate, and therefore far more valuable than those here in question, have been for many centuries disregarded by the law, with the acquiescence of the State, *upon grounds of public policy*. I speak of the right of reversion upon a gift to a man and the heirs of his body.

This right, definite and simple as it is, certain in many cases of almost immediate realization, and guarded in all cases by the express provisions of a statute, has ever since the reign of Edward IV. been treated by the Judges of the land as a thing of nought, as something, at least, liable to be got rid of by certain fictitious forms and ceremonies which deserve, in truth, no better name than that of a legal hocus-pocus; and there is perhaps not an acre of land in the kingdom of which the title has not at some time or other rested, if it does not rest now, upon a fraud of this sort. It is only a few years ago that the Legislature, after long connivance at this habitual evasion of its will, superseded the elaborate trickery of the law by the facilities of a legal enactment.

Not only is the right of reverter upon a simple gift to a Corporation inferior in value and degree to the rights of reversion I have been speaking of, but in the case of gifts to a College there is strong reason for contending that it does not exist at all.

The right of Visitation incident to *all* such gifts, calculated as it is to prevent any deviation from the terms upon which they are held, affords a strong presnmption that the donor in any such case never contemplated the possibility of a reverter; and in the case of a gift by *a Founder*, it would greatly prejudice the right in him or his heirs to take advantage of a forfeiture, that the Visitor who represents him or them might by due vigilance have prevented it.

A stronger reason is this, that a gift to a College is not in any case a mere gift to a Corporation; it is in every case, I believe, coupled with the expression of such a general charitable purpose as would, in the case of a gift to trustees, be an absolute perpetual dedication of the property to charitable uses, if not those prescribed by the donor, then to some other to be appointed by the Court of Chancery. This is the well-known principle according to which money given before the Act of Toleration to endow a teacher of the tenets of Baxter was transferred to Greenwich Hospital, without regard to the claim of the testator's next of kin.

When the charitable gift is to a College or other Corporation, *and to be enjoyed by its*

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members, the intention to benefit them is considered as that which is primary or essential, so that the charity is for a time at least, absorbed in the Corporation; but supposing the corporate body to be dissolved either by its own default, or by act of the Legislature, I submit that the general charitable purpose which had been for a time in abeyance would then take effect, so as to place the property at the disposal of the State, represented by the Court of Chancery.

How far is there any moral obligation on the part of the State?

It seems, then, that the Legislature may properly deal with this question of close Fellowships, or with statutable restrictions in any other matter, without any regard to any legal right in the heirs of the Founder; but there still remains the moral obligation to observe the contract made by the State, when in the persons of those whom it incorporated for that purpose. *The State* accepted at the same time the gift, and the statutes or conditions with which it was accompanied.

Some argument, good at any rate as an "argumentum ad hominem," might be founded on the way in which those more immediately subject to the obligation of these statutes have in many instances found it necessary or deemed it right to deal with them; and a strong precedent for the exercise of a similar right by the State may be found in what was done at the Reformation, when College endowments were, by Act of Parliament, transferred from Roman Catholic to Protestant bodies. I do not put this as conferring upon the State any right which it had not before, for a right is not acquired by a wrong; but *if* the State had *then* the right to adapt even the religious character of Universities and Colleges to that of the larger community of which they are a part—if it was justified in assuming that Founder's born in other times would, if they had lived to that day, have opened their eyes to the better light which that day brought forth, how shall we deny to the State *now* the right of a similar adaptation, the benefit of a like assumption? If the necessity for any change is less, the change itself is less also; there is still the same proportion between the motive and the act.

Precedents of the Reformation.

It is worthy of note here, with reference to a groundless distinction that has been made by some, that the change at the Reformation, viewed in this light, affords an argument which applies as much to Colleges which have been founded since that time as to those which existed before.

But it needs, or should need, little argument to show that the State does not recognise in individuals, as it does not claim for itself, the right of subjecting property to perpetual restrictions; and that as it has in the case of private property reduced that right to very narrow limits, those of a life in being, and 21 years after it, so à fortiori it will not allow against itself, and as applicable to property of a public destination, the claim of an inviolable perpetuity.

Still something there is of moral obligation towards the memory and wishes of a Founder, an obligation, like most others, indefinite in its requirements, and not privileged against circumstance, but binding at least to this extent, that we should give effect to the general purpose of the institution, so far as we can know or presume it, and so far as such purpose is now legal and beneficial.

I will endeavour to state and illustrate this as it applies to the present case. The general, the prevailing purpose of Universities and Colleges in this country, is to promote religion and learning; the religion, unless we repudiate what was done at the Reformation, being liable to change with the convictions of the State; the learning, unless we can give life to the Canon Law and truth to the Ptolemaic system, being subject to the uses of the time, and open to the advancement of the age. If we were now to apply to the endowment of a Hospital what was given for the maintenance of a College, we should not only be diverting a noble stream from its proper course, but we should be disappointing a just expectation, we should be violating a legitimate contract; but we may have a right to urge in defence of other changes, that the general purpose of a Founder is best fulfilled, his bounty most beneficially enjoyed, his name most honoured in his work, in those Colleges which are most free, in the disposal of their funds, from local preferences and the claims of blood.

Quite apart from the respect that may be due to the wishes of Founders, and from any claim that may be set up on behalf of their heirs, there remains to be considered, on grounds perfectly distinct and independent, the right of those who claim for themselves, under the statutes of any College, the benefit of a preference in elections. Here too, and indeed more especially here, it is important to know what is the value and extent of the legal right which it is proposed to limit or destroy.

For this purpose we cannot indeed refer to the decisions of any Court of Law, for Courts of Law, as such, have no jurisdiction in this matter; but we have for our guidance and instruction what is of almost equal authority, the deliberate and judicial opinion of eminent lawyers who have from time to time been called in as assessors by College Visitors, or have given judgment themselves as Visitors on behalf of the Crown.

Opinion of eminent Lawyers.

The latter sort of cases only have found a place in our Law books, and to them alone I shall refer, not only as being the most accessible, but as having the highest legal authority, the Visitor in all such cases being the Lord Chancellor.

The following are, I believe, the most important of the reported cases:—

Of Lord Loughborough.

First. The case of *Ex parte* Wrangham, 2 Ves. jun., p. 609, which was that of a Petitioner claiming a preference, as being a Member of the College, and "fit," according to the terms of the foundation.

Lord Loughborough held that in such a case, that is, the case of a preference qualified by a condition of fitness, the Fellows with whom the election rested were not bound to state in what way the person rejected was not fit; it was sufficient for them to say that they did not think him so.

Lord Loughborough further states, as a reason for his decision, that even if he had thought the Fellows had made a wrong exposition of the statutes by looking at points which they ought not to have considered, such as defects in mere manner, or even that they had judged the

Petitioner unfit, for the *most foolish and frivolous reasons*, he should do ill with regard to the peace and harmony of the College, and the purpose of the institution, if he were to exercise a power of putting the Petitioner into the Society; that in truth he had no such power, for he had no power to compel an election, nor to order admission without election, and that the Fellows might, by refusing or omitting to elect, throw the appointment into the hands of the Master, as provided by the statutes in such a case. *Charles Neate, Esq., M.A.*

The next case, though less striking, is more important: it is that of *Ex parte* Inge, which came before Lord Brougham, and is reported in 2 Russell and Mylne, p. 590. The following is the substance of that decision as stated in the marginal note:— Of Lord Brougham.

"A person who endows a close Fellowship in a College comprising other Fellowships of an older foundation will be presumed to be generally conusant of the statutes and rules of the College, and to mean that his Fellow shall be subject to the same provisions with respect to election and admission as the other Fellows, except so far as those provisions are controlled by the express terms of the endowment. Candidates, therefore, for such close Fellowships may be subjected to examination to try their fitness, but the standard of merit set up on the examination of such a candidate should be not relative but positive, merely ascertaining that he is duly qualified, and having no regard to the comparative qualifications of his competitors."

The same principle is again laid down by Lord Brougham in the case of *Ex parte* ——, in the matter of St. John's College, Cambridge, reported in the same volume, p. 603, where he says, "In open Fellowships the principle is *detur digniori*, in proprieties *detur sed digno*."

It is fitting to observe here, and it may be important to bear in mind hereafter, that the principle of "*detur digniori*" has only grown into a rule in some Colleges, and that by voluntary adoption. The standard of merit in most, if not in all, cases, according to the statutes, is, I believe, positive and not relative. The comparative test by examination, where the relative standard is admitted, has been resorted to partly for the sake of fairness, partly for the sake of convenience, but the obligation to apply it without qualification, even as a test of talent or acquirement, has never, as far as I know, been recognised in the most open Colleges.

The recent decision of Lord Cottenham in University College case, reported in 2 Phillips, p. 521, is worthy of notice, not as supplying a rule for ascertaining the extent of any preference, but as a striking specimen of the spirit in which restrictions upon the freedom of College elections are viewed by the most eminent lawyers. Of Lord Cottenham.

In that case Lord Cottenham, after deciding upon grounds not very conclusive, that the condition of "priesthood" was satisfied by Deacon's orders, further held, that the time for fulfilling that condition, which was essential to eligibility as full Fellow, was not limited to the six months, being the ordinary period of probation, at the expiration of which the probationer, if not elected, was to be utterly excluded from the College.

Without presuming to question a decision resting upon such high authority, we cannot help feeling, when reading this case, and that too of *Ex parte* Wrangham, the first noticed, that restrictions upon eligibility and exclusive claims to election are somewhat lightly dealt with by the law; indeed it is impossible to suppose, it would even be alarming to believe, that any question of legal right arising between A. and B. could be tried either upon Lord Loughborough's principles of social equity, or treated with the conjectural freedom of Lord Cottenham's interpretation.

The cases altogether seem to establish this result, that it lies ultimately within the conscience of the electing body to determine in each case the question of fitness, and that the standard by which that question is to be tried is liable to vary, and to be raised not only with the general level of the University, but with the elevation of the particular College above that level.

Where the raising of the standard is to stop, how far, if at all, short of the point at which nothing is left but a cæteris paribus priority, it is not easy to say. If the standard of merit for all Fellows is, or may be made a positive one, and if, as laid down by Lord Brougham, close Fellowships are held upon the condition of conforming to the *rules* of the College in respect to election and admission, what ground is there for having in the same College two distinct positive standards? and what is there left to those claiming a preference but a cæteris paribus advantage, no small thing after all, as my experience of open College elections would lead me to believe?

Another consideration materially affecting the standard of merit to which claims of preference may be fairly subjected, is one arising from a change in the character and destination of the bodies to which they attach. The general and prevailing purpose in the foundation of all Colleges is the prosperity and usefulness of the institution, and by that general purpose the intention of all subsequent endowments, according to the principle laid down in *Ex parte* Inge, is to be controlled. Now Colleges have changed, no matter in what way, from learning to teaching bodies, and we have a right to assume that an alteration by which they have gained so much in importance and utility is agreeable to the intention of the Founders, more especially as that alteration has been the result not of any violent transformation, but of a gradual growth and development. If then we apply to this altered state of things the principle of the particular interest being controlled by the general purpose, we have a further right to assume, not merely as a matter of legal inference, but as being also probably true, that Founders and Benefactors would not now consider the standard of learning and capacity by which the claims of a youthful *scholar* were to be tried sufficiently high a test for those who are to be themselves instructors of youth. Change in the circumstances of the College.

It matters little, in my opinion, in these cases of close or preferential Fellowships, whether

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any condition or fitness is or is not expressly added to the endowment. Where it is not, we have, according to the doctrine of *Ex parte* Inge, a right to imply it.

But however indefinite may be the measure of benefit justly attaching to any right of preference, however difficult it may be to make good a claim founded on it, there is most undeniably, in several distinct classes of cases, a right to *some* preference, resting upon clear and definite grounds.

Such rights may be divided into three sorts, accordingly as they attach to place of birth, or to kindred, or belong to schools or corporations.

Preferences given to localities.

The first sort is that which it is most easy to dispose of. A locality, whether it be a diocese, or a county, or a town, and where it is merely referred to as part of a descriptio personæ, is not such a legal entity as is capable of receiving or transmitting a legal right. Those who claim a preference by reason only of their place of birth, claim it as answering themselves the particular description required by the endowment. No one has any such interest as the law will notice in the maintenance of such a right, except those who have now actually fulfilled the condition to which that right attaches, by being now actually born within the prescribed limits.

If it was the case of an ordinary charity vested in trustees and applicable for the benefit of the inhabitants of a particular county, and it was proposed by a new scheme to admit the inhabitants of other counties to share equally with them, the Attorney-General might resist, and propably would resist, and that effectually, any such diversion of the charitable fund from its specified purpose; but he would do so, not as representing the particular county, and not necessarily at the instance or on the *relation* of any of its inhabitants; but he would do so as representing the State, whose duty it is to see that charitable property, being public property, is rightly administered, the rule of right being in ordinary cases the intention of the donor. If, however, in the case of local Fellowships, the State be justified, as between itself and the Founder, in setting aside the particular intent of local preference in favour of the general purpose, and I think the State is so justified after the lapse of a certain period of time, there are no legal rights in the way of such a change, except those of persons now actually born. To take *those* rights away, would be, I think, simply an act of spoliation, though of course the extent of preference attaching to them is subject to the considerations above stated; but saving those rights, there is nothing left for the defence of local preferences, but the moral obligation, such as it is, of respecting the wishes of the Founder.

This, I think, we may properly disregard in this particular, in the case of all ancient foundations, the motive for preferring particular places being in most cases worn out by lapse of time, and the desire of the Founder to be remembered in one place more than another being hardly such an obstacle as should be allowed to stand in the way of any measure having for its object the improvement of his bounty.

As to those foundations which are more recent, it is not easy to fix upon any principle the particular period at which we may be justified in enlarging the limits of a gift; but I think enough will be done if we leave those limits undisturbed for a century, reckoned from the date of the foundation. We shall then have allowed to the Founder a greater power of creating a future private right than is admitted by the general law of the land in the disposition of private property.

Founder's kin.

The right of Founder's kin is of a different sort. It is a transmissible right now vested in all who answer the description, and in the perpetuation of which they have the same interest which they would have in the perpetual descent of a fee simple estate. It is the same as if a man had, either by grant of the Crown or by prescription, for himself and his descendants, a perpetual right of sporting in a royal forest, or a perpetual right of common in a particular waste.

The right, however, loses much of its present value from being inalienable, and the interest which a man has in the fortunes of his descendants beyond a very limited period is hardly capable of pecuniary appreciation. The feeling too connected with it in most cases soon reaches the vanishing point, and where it exceeds the ordinary bounds it is but little entitled to consideration. After a limited period, reckoned from the present time, we may then, without appreciable injury to those who now answer the description of Founder's kin, and who represent the whole interest of their descendants, apply the principle *de minimis non curat lex;* and we may do so with the less scruple, as the right to be affected, being inalienable, is contrary to the general policy of the law.

But we owe it to present expectations not to alter in any way the position of those whose career in life has been selected with any view to the advantages now belonging to Founder's kin. I would suggest, therefore, that we should leave the right, as it is now enjoyed, untouched for a period of ten years. After that I would allow to all now existing Founder's kin and their children a preference, subject to a cæteris paribus test of merit, which, perhaps in strictness, we should be justified in imposing at once; but by exempting the right at first from that test, we give, I think, a sufficient consideration for abridging its existence.

Particular schools.

The preference given to schools in the shape either of rights of nomination or exclusive eligibility, amounting in some cases to an incorporation of the school into the College, rests upon special, and I think, upon stronger grounds.

In these cases there is, in the first place, a distinct body or society, capable in law, either in itself or through the medium of its trustees, of receiving a property or right, and transmitting it in regular succession. It is not therefore only that a preference is given to such persons as may from time to time answer a particular description, it is rather that the endowment itself was from the beginning divided in certain proportions between the College and the school, the title of each to its share being equally strong, and the College, though legal holder of the whole, being trustee of the part which is dedicated to the school.

In some cases, at least in the two instances of the two St. Mary Winton Colleges, and the

Colleges of King's and Eton, the connexion is still closer; the two associated Colleges in each of these two cases resting upon one foundation, and being parts of the same whole. *Charles Neate, Esq., M.A.*

In the second place, the rights annexed to schools have, in comparison with other rights of preference, this special ground to recommend them, that they are or ought to be made the rewards of merit; they are in a double character educational endowments, they support the school while they supply the College; and though felt less widely as motives to exertion than open Fellowships, they act upon those who may hope to enjoy them, more closely, more continuously, and from an earlier period.

The first part only of the last preceding observations applies to nominations vested in corporate bodies, not connected with any school, and therefore, though subject to the test of fitness, not necessarily, indeed not habitually, given as the reward of merit: still they are, like the right of presentation to a living, valuable legal rights vested in existing bodies, and though their exercise may properly be made subject to new regulations and conditions for the benefit alike of the College to which they attach, and the communities to which they belong, they ought not simply to be taken away.

As Lord Brougham observed in the case above referred to, affecting St. John's College, Cambridge, "to give a Fellowship not subject to any test of ability would be to confer no benefit either on the College or the town." This was said in reference only to the right of the College to examine the nominees of a Corporation, but a further application of the same principle would, I think, justify an enactment annexing such and all similar rights of nomination to some particular school, to be selected with the assent of the nominating body.

It would be advantageous in many cases to commute these rights of nomination, whether belonging to schools or Corporations, into an annual payment, applicable in some other way to the purposes of education. This might be done by allowing these rights to be purchased by those schools which could turn them to the best account. An occasional right of nomination, occurring at remote and uncertain periods, can have little beneficial effect upon the studies of a school: they do good only, they do most good certainly, when they are sufficiently numerous to supply a regular succession of rewards, a continued source of emulation.

But whatever may be done, as much may be rightly done in several ways, to make these rights of nomination, or of exclusive eligibility, more conducive to the good alike both of Colleges and schools, I cannot think that the State would be justified in dealing with them upon any other footing than as being, though indefinite in extent of enjoyment, and liable to stricter conditions of fitness than have hitherto been imposed, in respect of legal title, positive rights of property.

Management of College Property.

Assuming that it falls within the scope of the Commission to inquire how far the revenues of Colleges may be improved either by a better administration of their property, or by an alteration in the laws which relate to it, I beg leave to submit to the consideration of the Commissioners the following observations, upon the latter point more especially. MANAGEMENT OF COLLEGE PROPERTY.

The statutes containing the law upon this subject apply, with one exception, to the property of Bishops and Deans and Chapters. The statutes common to both are the 18th Elizabeth, c. 6, 18th Elizabeth, c. 11, and the 14th Elizabeth, c. 11, which last I mention out of its order in time, as it applies only to houses.

The statute applicable to College property alone is the 13th Elizabeth, c. 10, relating to corn-rents, which we will presently consider apart.

The effect of the three statutes first mentioned, which is purely restrictive, is that Colleges cannot grant leases in the case of land for more than 21 years, or three lives, except in the case of houses in a town, which they may lease for 40 years, and cannot grant leases in reversion when the existing lease has more than three years to run. Limitations as to the period of leaving.

There is no fault to find with the limitation as to the period of leasing. It would have been better, indeed, if the limit had been still closer; but mischief has arisen, and continues to arise, from the restraint upon leases in reversion. The object of this was, no doubt, to protect future members of Colleges from the cupidity of their predecessors, who, in times less scrupulous than our own, would, in many instances at least, have kept up their leases to the full amount of 21 years, by granting leases in reversion in trust for themselves, *as individuals*, which, though of no great value in respect of the use of the property, would, by interposing an estate, though small in possession, between the expiration of the first lease and the reversion to the College, have put the holders of such estate in a position to exact an exorbitant price for the surrender of that interest. The object, at any rate, of the restraint was, it should be borne in mind, for the benefit of the Colleges themselves as bodies.

The effect, however, has been most disadvantageous to them as regards the relation between them and their lessees. It gives to the latter the advantage of being the only parties with whom the College can deal, until the lease is within three years of its expiration, and this, coupled with the practice of renewals upon fine, has given to the lessees, to a far greater extent than is compatible with justice to the interests of the College, the power of making their own terms.

The system of renewals upon fine is too well known to require explanation, nor is its origin more than a matter of curiosity. Whether or no it existed before the date of the restraining statutes (and it certainly did not then exist to the same extent, and probably not in the same form, as afterwards), since the passing of those statutes, and viewed in its relation to them, the system is a joint contrivance of lessor and lessee to evade the intention of the Legislature; that is, it is, in a certain sense, a fraud upon the law. This mode of letting is commonly called by the name of beneficial lease, not as importing any peculiar benefit to the tenant upon the whole course of dealing, but because the lease, while it lasts, is beneficial to the extent of the difference between the rent actually reserved and the rack-rent value, the full consideration or price Renewals upon fine.

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for the difference, it may be even more than that, having been paid beforehand, under the name of a fine.

I owe some apology to the Commissioners for presuming to offer them any explanation upon a point so well understood by those who are conversant with this subject. I should not have done so, if the Select Committee of the House of Lords, to whom the Church Lease Bill of last session was referred, had not in their Report adopted the popular—I should, if it had appeared in any other quarter, have called it the vulgar—error, which supposes that Church leases have been termed beneficial "because they have been generally renewed upon terms so favourable to the lessees."

The advantages of this system, such as they are, have been to relieve Colleges from the trouble and risk of managing their own property, and, by devolving upon the lessees a good deal of the rights and duties of a landlord, to secure at their hands a more liberal dealing with the property and *its inhabitants* than could be expected at the hands of an ordinary tenant;—and in many cases where the property is *distant*, where there is a mansion upon it, where it is suitable in all respects for the residence of a gentleman, I do not know that Colleges can do better for themselves or their property, or can better consult their interest and discharge their duties as landowners, than by letting their property in this way to *well-selected* tenants, that is, always supposing the reserved rent to be high. It ought not, in my opinion, to be less than two-thirds of the full value—the margin of one-third being quite enough to give the tenant a beneficial interest, a feeling of permanency, and to secure the College from all loss of rent.

But in most cases the reserved rent is very far from bearing such a proportion to the real value, and the fine consequently paid or expected on renewal is high in proportion, which of course increases to that extent the dependence of the College on their lessees, and has the bad effect of causing a great disproportion between the income of one year and that of another, as though some fines may fall in every year, the cycle is, in all Colleges, more or less uneven.

I am aware that there is in some quarters a distrust in the ability of Colleges to manage their property in any other way; and I observe that a distinguished member of the Commission, in his evidence before the House of Lords Committee, mentions, on the authority of an ex-Bursar of a College and late Professor of Political Economy, as an objection to Colleges letting their property at rack-rent, the instance of a heavy loss arising in such a case from the destruction of farm buildings by fire; but I cannot but think that too much is here made of a liability which it is so easy to guard against. It may be too much to require of a College Bursar that he should be a good farm bailiff, but he may, I think, be reasonably expected to see that buildings let at rack-rent are insured, and the premiums on the policies regularly paid.

Colleges, it is true, by taking upon themselves the character of ordinary landlords, would subject themselves in a greater degree to expenses from which they are now comparatively free, and would also be liable, as they are not now upon their renewable leases, to loss by non-payment of rent; but after making the largest allowance for these losses and expenses, it does not admit of a reasonable doubt that if Colleges had now in their hands, so that they might let upon rack-rent, the property they have now out upon lease, their income on such property would, upon the whole, be considerably more than doubled.

Just administration of College property at present.

The experience I have had for four years as Treasurer of my own College, the observations and inquiries I have made as to what is done by other Colleges, enables me further to assert, that there is no class of landlords in England who habitually set apart so large a proportion of their income for the purpose of improvement *of every sort*, none who are more ready to meet the demands that may be made upon them, either for the advantage of the property or *for the good of those* who live upon it; and that where an estate has been *for some years* at the disposal of a College, it will in every respect, whether we look to what is done for the land in the way of facilities for farming, or for its inhabitants in the way of cottages or schools, stand an advantageous comparison with the best-managed estates in the neighbourhood. In support of what I have said, I could, as one instance among many, point out, within a few miles of Oxford, one of the largest, most expensive, and I believe most beneficial inclosures to be seen anywhere in England, which was in the first instance promoted, and in great measure carried through, by a College.

Proposed indemnification for loss of fines.

The difficulty is to place Colleges in that position of managers of their own property, which they have too long entrusted to others, and which they are now very generally seeking to recover. In plainer words—if leases are to be run out, how are existing and future members to be indemnified for the loss of the fines which would have been payable in the ordinary course?

It would be easy enough to do this, if it were thought right to do it. It might be done in three ways: 1st. By enabling Colleges either to mortgage the fee of the property to the amount of the usual fine, or to grant reversionary leases, either by way of security for the sum borrowed, or simply to some new tenant, which last power would be at least a great check upon the existing lessee. 2nd. By enabling the Colleges to charge the revenues of the College generally in the hands of their successors with the money borrowed to meet unpaid fines, as clergymen are empowered to charge the income of the living for building parsonage houses. 3rd. By authorizing the Colleges to borrow sums for this purpose from funds belonging to the College, and primarily applicable to other purposes, or to the general purposes of the College, but not divisible.

This latter mode of indemnification has, in fact, been in practice resorted to in some cases, but its legality has been questioned, particularly in the case of King's College, Cambridge, where the Bishop of Lincoln, assisted by Chief Baron Macdonald, decided that fines borrowed from an accumulated fund, applicable under the statutes to *the increase of the College possessions*, should be repaid to the fund, with interest, by the Fellows who had divided the money.

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College lessees, I am aware, might set up the same objection against any intervention of the State to their prejudice, which has been so prominently, and to some extent successfully, urged by the lessees of the Church. It is not, as I suppose, within the province of the Commission to enter upon this question, and I abstain, therefore, from offering those arguments which have led me to the conclusion that such an objection on the part of College lessees would be as much without any good foundations in justice as it is confessedly destitute of all pretence in law, and that the Legislature would be at least as well justified in *enabling* Colleges to borrow money for the purpose of running out their leases, as it was in *prescribing* such a course in the case of Crown lands held upon the like tenure.

But even supposing that the claim of the College lessees *to be let alone* should be deemed a sufficient reason for not giving to Colleges the means of improving their property in this way, there are other defects and anomalies in the law respecting College property which might be corrected without prejudice to the rights or interest of any other parties: 1st. Under the 13th Elizabeth, c. 10, Colleges cannot grant leases without reserving the accustomed rent, or more. Thus, if a College has property leased out at a rack-rent, as most of them have, and has to reduce its rents, as most of them will have to do, they cannot *grant a lease* at such reduced rent until they have first established it as the accustomed rent by a letting from year to year for 11 years at least. 2nd. The term allowed for leases of houses by the 18th Elizabeth, c. 11, that is, 40 years, is also too short; and I know a College estate in the neighbourhood of a large town, very desirable for building, of which the ultimate value to the College would have been very greatly increased by the power of granting such leases as would induce tenants to build. 3rd. The 18th Elizabeth, c. 6, requiring not less than one-third of the rent *then* payable should be reserved in corn, after the rate of 6*s.* per quarter, is become obsolete, difficult of application, from the uncertainty as to what the rent then was, and inadequate to the purpose. Besides, it does not, it seems, apply at all to land acquired since the statute. A restriction of this sort, in the shape of a minimum rent, would still be very desirable; the minimum should even be raised, and it would be better to take it at a certain proportion, say not less than three-fifths or two-thirds of the full annual value; but even this could not be done in justice to existing members of Colleges, without empowering them to borrow or apply money to indemnify themselves for the loss or diminution of the fines.

CHARLES NEATE.

Postscript to the Evidence of the Rev. J. Wilkinson (p. 73).

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P.S.—Since the foregoing was written, the visitatorial power of the Crown over the University, which I had assumed as undoubted, has been called in question. I may, therefore, perhaps be allowed to add some explanation on that point.

VISITATORIAL POWER OF THE CROWN.

The argument of the legal opinion * is, as far as an ἰδιώτης may understand it, this:—all civil corporations, as distinguished from Ecclesiastical and Eleemosynary, are not visitable otherwise than in the Court of Queen's Bench; the University is a civil corporation; the University, &c.

Legal opinion against this power considered.

The only observation I have to make upon the major premiss of this syllogism is, as the opinion seems to admit, that the jurisdiction of the Queen's Bench is not Visitatorial, properly or usually so called. That Court is the supreme common law Court, and as such superintends all civil corporations, on the express ground that they "are not subject to any Founder, or Visitor, or particular statutes, but to the general and common laws of the realm." (Chief Justice Holt. Philips *v* Bury, Raymond, i. 8.) Again, that Court cannot act except upon cause shown and complaint made, and moreover its judgments are liable to be reversed on writ of error. Whereas it is supposed to be part of a Visitor's duty voluntarily to inquire, at his own discretion, into the affairs of the society which he superintends, for the purpose of satisfying himself whether the society does or does not deviate from the end of its institution: and it is part of the Visitor's power that he is the *dernier ressort* of the applicant; provided he keep within the limits prescribed to him by the laws of the land and the statutes of the particular society, he may, on appeal to him, hear and determine any case without appeal from him. If, therefore, the University be a purely civil corporation in such sense as not to be visitable elsewhere than in the Queen's Bench, it is not subject to any visitation proper whatever; and I do not suppose this will be nakedly maintained against the deliberate assertions made, as we shall afterwards see, by the University itself, that the King is Visitor.

The jurisdiction of the Queen's Bench not strictly Visitatorial.

The University not simply a Civil Corporation.

On the minor premiss I would observe, with unfeigned deference, that it may be questioned whether the University be, at least in this matter of visitation, a mere civil corporation, devoid of all the incidents of an eleemosynary foundation. The opinion lays down, without any ambiguity, that the University is a civil corporation: "It is clear now "that the Universities are lay, civil corporations:" "the University is not an eleemosynary "foundation, but a civil corporation." Now it is unquestionable, as Lord Mansfield says, that "the Universities are *lay* incorporations;" that is their *genus*: but what is their *species?* are they eleemosynary or civil? This makes all the difference in respect of visitation. Blackstone speaks with some hesitation as to the corporate classification of the University. "Among these (civil corporations)," he says, "I am *inclined to think* the general corporate bodies of the Universities of Oxford and Cambridge must be ranked, for it is clear they are not spiritual or ecclesiastical corporations, being composed of more laymen than clergymen: neither are they eleemosynary foundations, though stipends are annexed to particular

* See Report, Appendix B., p. 25.

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magistrates and professors, any more than other corporations where the acting officers have standing salaries, for these are rewards *pro operâ et labore*, not charitable donations only, since every stipend is preceded by service and duty; they *seem* therefore to be merely civil corporations." (i. 471.)

Historical precedents before the Reformation.

There are *historical* inferences for the *mixed* corporate character of the University of Oxford. Before the Reformation, it was partly ecclesiastical, partly civil: *ecclesiastical* in its subjection to Metropolitan and Episcopal visitation, from which it was exempted by different Popes; *civil*, as existing by Royal charters, and under the continual supervision and control of the Crown on all possible occasions. The Universities continually refer to their "Papal and Regal privileges." (Anthony à Wood, A.D. 1434; and the Bulls of Boniface IX. and Sextus IV.) The former they got renewed whenever they could: the latter generally "at the entrance of every new King." (Wood, 1510.) Partly also *eleemosynary*. The University has indeed now "no endowment from the Crown applicable to its general purposes;" all payments now made by the Crown are "*pro operâ et labore*:" but still the University is styled of Royal "foundation and patronage," apparently referring to more than incorporation. (Wood, 1396.) And it was probably at one time endowed by Kings of England in a purely eleemosynary way. To say nothing of Alfred, we read of Henry VI., 1441, giving a manor for the support at Oxford of five poor scholars from Eton, and making the brethren of St. Anthony's Hospital his trustees. In 1472 an Act of Parliament was passed "to resume all manors, lands, tenements, &c., granted by the King (Edward IV.) to any person since the beginning of his reign, among which the Universities and Colleges are remembered as part: but the University of Oxford, taking it grievously, wrote divers epistles to them and the King about it, and forthwith found remedy." Besides "the revenues of the University are now derived (in part) from the benefactions of private persons;" and so they were in early times. There was the money gift of the Countess of Warwick and the Warwick chest to contain it, 1293; the Turvyle and Langton chests, 1336; the Chichele, 1431. Indeed these chests so increased, that Thomas Browne, Bishop of Norwich, left a sum of money to build a house to hold them, besides gifts to poor Oxford scholars from his Diocese, 1445. And almost all the public buildings for academical purposes were built by charitable contributions levied on the wealthy and influential friends of the University. Now, Blackstone tells us (i. 481) "If the King and a private man join in endowing an eleemosynary foundation, the King alone shall be the Founder of it:" that is his prerogative. And if the King be founder, he is Visitor, for "with respect to all lay corporations, the Founder, his heirs, or assigns, are the Visitors, whether the foundation be civil or eleemosynary." (Blackstone, i. 480.)

Avowed object of the Corporation of the University.

Again, to take an argument as to the character of a corporation from its avowed end and purpose. Civil corporations are erected for "temporal purposes" (Blackstone, i. 470), such as the good government of a town; but the University for "the maintenance of a good and godly literature, and the virtuous education of youth" (13 Eliz. c. 29). The mayor and burgesses of the city of Oxford are a civil corporation. Is there no legal difference between them and "the chancellor, masters, and scholars of the University of Oxford?"

Again, "in ecclesiastical or eleemosynary foundations, the King or the Founder may give them rules, laws, statutes, and ordinances, which they are bound to observe: but corporations merely lay, constituted for civil purposes, are subject to no particular statutes, but to the common law, and to their own by-laws, not contrary to the laws of the realm." (Blackstone, i. 478.) So also Chief Justice Holt, before quoted, says, "they (civil corporations) are not subject to any Founder, or Visitor, or particular statutes." Now, it is notorious that the Kings of England have at different times, as Kings and as Founders, given the University many "rules, laws, statutes, and ordinances," which the University was bound to observe, and which, as far as I know, it did observe without a single instance of wilful disobedience. In the earliest times the King seems to have sent down his orders direct to the University, either by letter, or brief, or prohibition, or commissioners, without the recognition of any particular statutes besides the Royal privileges. In 1375, however, we find Edward III., in whose long reign our constitution was consolidated generally, and who took much interest in University affairs, freeing Graduates in Civil and Canon Law from the obligation of certain statutes made against their interest by the Graduates in Divinity and Arts, and afterwards, on a fuller understanding, issuing a commission "to examine parties and bring them to an amicable concord;" which Commissioners cancelled the objectionable statutes, and "by the authority granted to them made two more, favouring the civilians and canonists." In 1421, Henry V., himself an Oxford scholar, purposed reforming the University statutes. In 1494, Henry VII. writes to the University, in prevention of probable disputes, that "the members of the University do not think of electing a new Chancellor till they heard more of his pleasure concerning that matter." They "answered with all submissiveness that they 'would obey what he had commanded.'" When a vacancy occurred, the King delaying to signify the person of his choice, they proceeded to an election which was satisfactory to the King. He however, in 1502, "by command given to certain Commissioners in this case, ordered a particular statute to be made, which being accordingly done, was inserted among the rest of the statutes." In 1541, Henry VIII. regulated the election of Proctors, by "appointing that none should undergo that place unless he was eight years' standing complete in the Degree of Master of Arts," and by "ordaining this year and for ever after, till an advertisement was given to the contrary," who the electors should be. In 1549, Edward VI., by his Visitors, put in the place of the old statutes a whole body of new, which remained in force till the enactment of the Caroline Code, except when suspended by Cardinal Pole, who gave statutes of his own, which in their turn gave place in 1559 to those of Edward.

Cases of interference in University legislation by King Edward III.

by King Henry V.

by King Henry VII.

by King Henry VIII.

by King Edward VI.

Under Elizabeth, the Earl of Leicester seems to have taken into his own hands a great part of the power, both legislative and executive, heretofore exercised by the Crown in the University. 1616. James I. writes to signify his pleasure concerning subscription to the three articles of the 36th canon by all candidates for Degrees, and decrees were made accordingly in Convocation the following year to enforce what he desired, with the addition of subscription to the 39 Articles. In 1629, after various interferences by the Crown in the election of Proctors, the procuratorical cycle and the statutes relating to it were sent with a letter by Charles I. to the Chancellor, by whom they were laid before Convocation, and there published and consented to. 1631, "the weekly meeting of the Heads, conformably to the ordinance of the most serene King Charles I., which has been graciously transmitted to the University in that behalf." (Car. Stat. Tit. xiii.) And lastly, 1636, the Caroline Code "accepted, approved, ratified, and confirmed by letters patent." If there were any doubt as to the authority of the Crown here, the Caroline Code is a Charter granted at the suit of the University, and as such must be construed "most beneficially for the King and against the party" (Blackstone, ii. 347): but there is no need of this, the Code itself provides, in regard to "statutes sanctioned or confirmed by the King's authority," *i. e.* the whole Code, that "the special licence of the King himself" shall be necessary before the introduction of any explanatory statute into Convocation (Tit. x. sec. 2, chap. 2). A large power of initiating legislation is also given to the Crown, and that by way either of "command or suggestion" (Tit. x., sec. 2, chap. 5).

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By King James I.

By King Charles I.

Now referring to the quotation above from Blackstone (i. 478.) I would infer from the subjection of the University to "particular statutes," many of which were introduced by Kings, and all of which now in force were confirmed by a King, that the University of Oxford is not a corporation "merely lay, constituted for civil purposes," but *pro tanto* partakes of the nature of an eleemosynary foundation.

Nor is this inference from the legislative action of the Crown upon the University weakened by a consideration of its judicial and executive action. It may be admitted that the royal right of visitation cannot be historically based upon such "acts of the prerogative as the preservation of the peace and the administration of justice," between the town and the gown, northern or southern scholars, Welsh or Irish; or upon "the powers given to the Crown by Acts of Parliament" now repealed; or upon "the undefined notions in the days of the prerogative," which had some difficulty in removing an University Smithfield,* and was called in to pitch the streets; or upon "the personal character of the sovereign;" or upon "the peculiar necessities of disturbed periods, which are no precedents for other times." I will refer to circumstances which are not open, in my judgment, to these or any other just exceptions, and which seem to me of a visitatorial character: such as, the reception and decision of appeals, the inquiry into and the correction of irregularities arising in the corporation itself, general superintendence of the corporation as to the discharge of its duties, the sum of which is the fulfilment of the design of its institution; the Visitor's rule of proceedings being the statutes of the society.

I will first mention acknowledgments, by the University itself, of the Visitatorial Power of the Crown.

Acknowledgments of the Visitatorial Power of the Crown by the University.

In the year 1397, Archbishop Arundel resolved to visit the University for the establishment of sound doctrine there, but apprehending opposition on account of the University's Papal exemption from Archiepiscopal and Episcopal authority, he requests the interference of King Richard II., who accordingly wrote to the Chancellor and Scholars that they claim no such exemption under the Pope's bull "to the prejudice of the King's authority—but that they altogether renounce it with attestation under their bonds of the fact, before and in presence of the King's nuntio." This they appear to have done. They then took up another gound of opposition to the Archbishop: they alleged, "that the right of visiting belonged to the King," to whom they referred the dispute. Richard, however, decided, "that the right of visiting the Chancellor and Scholars of the University of Oxford doth belong, and ought for ever to belong, to the Archbishop of Canterbury and his church, and not to him, as they allege." This disclaimer was no renunciation of royal authority. The King thereby simply put the matter on the right footing, showing that the question did not lie between himself and the Archbishop (as the University wished to make it appear), but between himself and the Pope, and in deciding for the Archbishop against the Pope he asserted his own supremacy. He besides indicated his willingness to give free scope to the exercise of spiritual jurisdiction, provided it were native. The

Case of Archbishop Arundel and King Richard II. in 1397.

* The parallel is so strong between Oxford in the 14th century and London in the 19th, that I must ask permission to quote the following.

"The King, Edward III., being given to understand that a great many beasts, as oxen, cows, sheep, and calves, were daily killed within the walls of the town, and also that dung, garbage, and other filthinesses were commonly laying in the streets, lanes, and alleys thereof, through and by which the air was so much infected that not only nobles but others of inferior note did decline coming near the said town, and also that many, as well Scholars as Burghers living therein, were overtaken with infirmities of body so that many of them died; he therefore commanded that proclamation should be made against all butchers or others that kill any such cattle. Hereby the mayor and burghers taking it very grievously that there should be such a disturbance made among them, and especially among the butchers, returned answer to the King, 'that in ancient time beyond all memory a certain place was deputed and ordained for butchers, wherein they might kill their beasts, and sell flesh, which place was rented of the King for 100 shillings per annum, and was part of the fee farm of the town; therefore the said butchers ought to exercise their trade in the said place without any interruption, and especially for the reason that another place cannot be provided for the exercising their trade without diminution of the fee farm aforesaid.'" "At length the said nuisances being visible to all, the butchers' places of killing were removed to Lumbard or Slaying-lane, without the South gate." (Wood, Annals, 1338, 9.)

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Archbishop proposed visiting solely "quoad hæreticam pravitatem," which the King was desirous he should do; but Boniface IX. had exempted the University "ab omni jurisdictione, dominio, vel potestate quorumcunque Archiepiscorum,—Episcoporum, et aliorum ordinariorum judicum." In 1411 the same dispute was revived. The Archbishop again resolved to visit; the University again put forward the same pleas. The King, Henry IV., on reference to him, ratifies the decision of his predecessor, viz. "that whereas the University pleaded that they were exempt from Archiepiscopal and Episcopal visitation by the bull of Pope Boniface IX. (which was adjudged prejudicial to the Crown, and they thereupon alleged that the King was the sole Visitor), he pronounced that the right of visitation of the University did solely belong to the Archbishop of Canterbury," with a threat of seizing into the King's hands all their franchises till submission. This was confirmed by Parliament.

Case of Archbishop Arundel, Pope Boniface IX., and King Henry IV., in 1411.

I am come now to the well-known case reported in Rushworth's collection (ii. 324). In 1636 Archbishop Laud claimed to visit *in spiritualibus* both the Universities, *jure metropolitano*. The University pleaded that the right of visiting was settled in the King alone, as King and their Founder. The cause came to a hearing before His Majesty in Council. The Earl of Holland, Chancellor of Cambridge, claimed exemption for his University from metropolitan visitation, "it being never wont to be visited, save by His Majesty, and those by commission from him." The Attorney-general, Sir John Banks, the Archbishop's counsel, says, "It must be acknowledged that your Majesty is supreme ordinary, and hath supreme jurisdiction, and may visit both the Universities by your commission, notwithstanding you may do it by your Archbishop,—this is an undoubted right."—This may be taken to treat the University as an ecclesiastical corporation; but not necessarily so,—ordinary is sometimes synonymous with Visitor. The counsel for Cambridge puts the royal right of visitation upon the ground of original foundation: "We are styled a University founded by your Majesty's progenitors, wherefore the power doth of right belong to your Majesty; and this is an exemption from any ordinary jurisdiction." Serjeant Thin, on behalf of Oxford, says, "None can found a University but your Majesty and your progenitors; so none have power but your Majesty to visit there." "Several visitations have been made by the King. The University ever visited by your Majesty, or by commission from your Majesty . . . we humbly desire to be still visited by your Majesty:" putting the royal right on the grounds of foundation and prescriptive usage. Upon the hearing of the whole cause it was declared by the King, with the advice of the Privy Council, "that it was granted, on all hands, that the King had an undoubted right to visit the Universities; and that the Archbishop had power to visit them as within his province." Here we have, besides the acknowledgments of the University, the assumption, by the Crown, if not of the title of Visitor, at least of the right to visit.* §

Case of Archbishop Laud and King Charles I. in 1636.

In the year 1647 University Delegates † were specially appointed in Convocation to conduct the then "case on the part of the University of Oxford," against the Parliamentary Visitors. These Delegates "had power given them to answer and act in the name of the University in all things pertaining to the public good of the University." They accordingly "fortified" all members of the University, who were summoned before the Visitors, with this answer, which was, moreover, passed in Convocation, and was thus, in the most formal manner, the act of the whole University:—"We cannot acknowledge any Visitor but the King, or such that are immediately sent by His Majesty; it being one of His Majesty's undoubted rights . . . and one of the chief privileges of the University . . . that His Majesty, and without him none other, is to visit the University."—(Wood, Annals, 1647, p. 524.) Vice-Chancellor, Proctors, Heads of Houses, Doctors and Masters, all gave the same answer. This acknowledgment of the Royal right to visit the *University* is the more valuable because these same Delegates denied that the King could visit *all Colleges*.‡

Case of the Parliamentary Visitation in 1647.

In short, it does not appear that the Royal right of visiting the Universities was ever questioned; on the contrary, it was gloried in as an University privilege, and urged in bar of jurisdiction by other parties. And I apprehend this answer is good in law. ‖ In Dr. Bentley's case (R. v. Chan. of Camb. Raymond, ii.) a *mandamus* had been directed to the Chancellor, &c., of the University of Cambridge, to restore Dr. Bentley to the academical Degrees of which he had been deprived. The University, in their return, relied upon the suspension of those Degrees by the Vice-Chancellor's Court, and the deprivation by con-

Case of Dr. Bentley in 1718.

Arguments of Prynn.

* I know that William Prynn undertook to prove that "no King ever had or claimed that privilege; and moreover that King Charles in particular had disclaimed it," referring to Laud's case;—and when the Vice-Chancellor and others were summoned before the Committee of Lords and Commons for regulating the Universities, the case at first seemed as if it would turn upon the allegation of the University, that tho King was their Visitor. But this particular point never seems to have come on for argument. The counsel for the Committee, John Bradshaw, took another line, and charged the University with contempt of Parliament. As for Prynn's law, "he confessed that they had no power by their commission to do it (remove Dr. Sheldon from All Souls), but the Parliament must not be baffled, and that they might do many things *ex officio* agreeable to the mind of Parliament, though not in their commission."—(Wood. ii. pp. 537, 569). "Inveniam viam aut faciam" should have been his motto.

Delegacy of Convocation.

† The change in the constitutional government of the University is curious. Though there were the same statutes in 1647 as now, yet then Delegates of Convocation conducted the case of the University, now a committee of the Hebdomadal Board. The Delegates certainly discharged their dangerous duties with much temper, wisdom, and knowledge.

Visitation of the Colleges.

‡ "If any man be cited in the capacity of a Head, Fellow, or Scholar of any College (except Christ Church), he is to say that he is to appear before no other Visitor but him whom the statutes of the College appoint to be his Visitor. If it be replied, the King, by whose commission they sit, may visit all Colleges; he is to answer that the contrary was a judged case, 4° Eliz. in the case of Magd. Coll." (Wood, ii. p. 520.)

§ *See* Appendix C, p. 39.

‖ *See* Appendix C, p. 40.

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vocation; and, in support of their jurisdiction, appealed to the Charter of Queen Elizabeth, and the Act of Parliament, 13 Eliz., confirming it. This return was held to be ill, because Dr. Bentley had "been proceeded against and degraded without being heard, which is contrary to natural justice," and a peremptory *mandamus* to restore was granted. But Dr. Bentley's counsel admitted "that if the University had returned that the King was their Visitor, as they might have done, it would have put an end to the dispute here; but not having returned that they had a Visitor, if it appears by the return that the proceedings in the University have not been agreeable to the rules of justice, a peremptory *mandamus* ought to issue." In the case of Philips v. Bury, to which I have already referred, it was held, on appeal to the House of Lords, that the Visitor's jurisdiction, if he do not exceed it, was not to be interfered with; and that his determinations are final, and examinable in no other Court whatever. This indeed had reference to an eleemosynary corporation (Exeter Coll.), but I do not suppose that this makes any difference in the principle of visitatorial authority; and I am contending that the University has this incident (visitation) of an eleemosynary corporation.

Instances of visitatorial interference:

I will conclude with mentioning a few acts of seemingly visitatorial power by Kings, such as, we may suppose, Serjeant Thin alluded to when he based the right upon prescription.

In the year 1314, a controversy arose between the Masters of Arts on the one side, and the preaching friars (who appear to have graduated in Divinity) on the other. A composition relating to the solemnization of vespers, preaching, and attendance on lectures, disputations and determinations (all purely academical matters), was made between the parties and confirmed by the King. The controversy, however, still continuing, through the Pope's interference, the Chancellor appealed, 1318, to the King and his Council in Parliament at York, who desire the sheriff to assist the Chancellor in the maintenance of privileges granted to the University by the Charters of the King and his progenitors.

Case of the University and the Preaching Friars in 1314.

1322, a difference arising between the then Chancellor and the Masters and Scholars, the case was heard before the King in Council, and there determined. In the relative position of the parties, this case is similar to the one between Laud and the University, reported by Rushworth.

Case of the University and the Chancellor in 1322.

1325, a contention existing between the University and the Archdeacon of Oxford as to jurisdiction over Clerks, the Archdeacon appeals to the Pope: the Chancellor and Proctors, on the part of the University, "say openly that they were not to be impleaded in Courts beyond the seas," and apply to the King for redress. This Edward II., in the decline of his power, was very little able to give them: he, however, wrote to the Pope; and so did Edward III., 1335, at the instigation of the Chancellor and the whole body of Masters.

Case of the University and the Archdeacon of Oxford in 1325.

1335, Edward III. granted a commission to put down those who "most impudently studied at Stamford," the University having petitioned against them.

Case of the University of Stamford in 1335.

1349, disputes running high about an election for a Chancellorship, the King interferes, and sends down a commission "to examine or make search into the said riot, and after they had done so, to settle a right understanding between the parties."

Case of election to Chancellorship in 1349.

1379, a visitation of Queen's College by the Archbishop of York not proving successful, he invokes the Royal authority in support of his own.

Case of Queen's College in 1379.

1384, a controversy happening between the Physicians and Lawyers about precedence, the latter appealed to the Pope against the University Statute regulating their place: but Richard II. annulled all causes so translated to the harm of the University privileges, which he enforced.

Case of procedure in 1384.

1434, the Bachelors of Laws affecting the title of Masters, contrary to the ancient customs of the University, took their cause from the Chancellor's Court to the Court of Arches: the University appeal to the King to preserve intact their privileges, and to refer back the cause to the University Court: which was done.

Case of Bachelors of Laws in 1434.

1442, a discord happening between the Grammar Masters and the Masters of Arts concerning the payment of an allowance from the former to the latter, both parties "made their complaint for remedy sake to the King."

Case of Grammar Masters in 1442.

1444, "the King takes order that Latin sermons be duly performed" for the encouragement of the language. Henry VIII. did the same. Charles I. ordered Latin prayers, as well as sermons.

Case of Latin Sermons in 1444.

1448, "one Morgan Philip, Clerk, having been banished from the University for some misdemeanor, was, by the King's letters sent to the University in his behalf, restored to his former state."

Case of expulsion in 1448.

I will stop here. I will not refer to the commissions of visitation issued after the Reformation, because they are said to be Ecclesiastical commissions, in which the Crown dealt with the University as an Ecclesiastical body, or are founded on Acts of Parliament now repealed. I would remark, however, that a certain spiritual control was exercised by some Kings in the University, even in Papal times, particularly in the suppression of Lollards.

There is one more case to which I will call attention, though I am ignorant what amount of authority is due to it. In 1611, the citizens of Oxford encroached upon the University privileges: "a process of law was had between both the bodies, before the Judges of the King's Bench," but without result there. The case was ultimately heard and determined by certain Lords of the Privy Council to whom the King committed it. (Wood, Annals, var. years.)

Case of Oxford citizens in 1611.

OXFORD UNIVERSITY COMMISSION.

EVIDENCE, PART II.

PROFESSORSHIPS.

The following Heads of Inquiry were addressed to each Professor in the general paper transmitted to all the authorities of the University. In some few instances the Answers have been already printed in Part I., as having been incorporated by some Professors with their answers to the General Heads of Inquiry, but are here reprinted for the sake of convenience.

Her Majesty's Commissioners request you as Professor of , to furnish statements under the subjoined heads, and to give them any further information, or any suggestions which may occur to you in relation to your office:—

1. The nature of the endowment, and its present annual value; and whether any other sources of income are attached to it.

2. Whether any special qualifications are required by Statute in the persons appointed.

3. Whether any residence, lecture-room, library, apparatus, collections, &c., are provided for you; if so, whether there are any funds for keeping them up.

4. Whether there are any Statutes requiring the performance of specific duties; and whether those duties are such as could not profitably be now enforced.

5. The mode of appointing to your office; whether it is held for life, or for a term of years, and whether the person holding it is removable.

6. The nature and number of Lectures usually delivered in each year; the average number of pupils attending, and the fee paid by each pupil.

7. The general condition in the University of the branch of study to which your Professorship relates, and the means of promoting its advancement.

The Answers of the Professors to the Letters of Her Majesty's Commission inviting co-operation will be found in the Report, Appendix B., p. 10—14.

Answers from the Rev. William Jacobson, D.D., Regius Professor of Divinity.

Rev. W. Jacobson, D.D.

Professorship of Divinity.

1. The nature of the endowment, and its present annual value; and whether any other sources of income are attached to it.

1. Endowment.

The original endowment, assigned by King Henry VIII. to the Regius Professorship of Divinity, was an annual payment of 40*l.*

In addition to this, King James I. gave a stall at Christ Church, and the Rectory of Ewelme, fourteen miles distant from Oxford. His letters patent were confirmed by Act of Parliament in the tenth year of Queen Anne.

In 1620 Sir Christopher Parkins bequeathed to the Regius Professor of Divinity for the time being an annuity chargeable on certain house property in Westminster. The yearly payment made to me, after the deduction for income-tax, is 22*l.* 6*s.* 7*d.*

The Regius Professor of Divinity receives, at the end of each term, through the hands of the Divinity Bedell, certain fees for such presentations as may have taken place to Degrees in the Faculty. The sum total of these fees paid to me, up to the end of the third year of my holding the office, was 80*l.* 13*s.* 8*d.*

2. Whether any special qualifications are required by Statute in the persons appointed.

2. Qualifications.

There is, so far as I am aware, no statute that at all bears upon this subject.

3. Whether any residence, lecture-room, library, apparatus, collections, &c., are provided for you; if so, whether there are any funds for keeping them up.

3. Residence, Library, &c.

A canon's lodgings in Christ Church, and the rectory-house at Ewelme. Dr. Richard Allestree, who held the Professorship from 1663 to 1680, left his library to those who should follow him in the office, without any provision for enlarging or maintaining it; assuming that every Professor, for the sake of the use of the books, would gladly keep them in good repair, and so transmit them to his successor. The Dean and Chapter have assigned a room for the safe keeping of this library.

Lecture-room.

The Dean allows the Public Lectures of the Regius Professor of Divinity to be delivered in the Lady Chapel of the cathedral, whenever the number of those attending makes such accommodation desirable.

4. Whether there are any statutes requiring the performance of specific duties; and whether those duties are such as could not profitably be now enforced.

4. Statutable requirements.

Tit. IV. Sect. i. § 18, as revised in the year 1839.

Professor Regius S. Theologiæ primo post susceptum munus anno unam lectionum seriem, unoquoque autem sequente anno duas lectionum series legat, in quibus vel aliquam Sacræ Scripturæ partem exponat, vel quæstiones ad sacram Theologiam pertinentes discutiat.

5. The mode of appointment to your office; whether it is held for life, or for a term of years, and whether the person holding it is removable.

5. Appointment.

By direct grant from the Crown; the Act of Queen Anne, in confirmation of the letters patent of King James I., expressly dispensing with all the usual forms of installation and institution. The appointment is for life.

6. The nature and number of Lectures usually delivered in each year; the average number of pupils attending; and the fee paid by each pupil.

6. Lectures.

I have given the *Public Lectures* three times in each year, with the view of consulting the convenience of candidates for Holy Orders, and of keeping the number of attendants within reasonable limits. This course, intended for Bachelors of Arts, or those who have passed the examination for that Degree, at present consists of twelve Lectures, viz.—

i. Introductory to the Study of Theology, and some points of Clerical Duty.
ii. iii. On some of the Aids to arriving at the Sense of Holy Scripture.
iv. v. On Creeds; particularly on the three incorporated in our Services.
vi. vii. On the Study of Church History.
viii. On the Continental Reformation.
ix. On the English Reformation.
x. xi. On the Book of Common Prayer.
xii. On some of the practical Duties of a Clergyman in charge of a Parish.

The three courses of these Lectures, in the year 1849, were attended by an aggregate of 232; those of the year 1850 by an aggregate of 234. In the Lent Term of this present year I gave 35 certificates of attendance; and in the Easter Term, 102.

The *Private Lectures* (in complianee with the *Statutum Novum de Disciplina Theologica*, issued in 1842, and revised in 1847) are given three times, at the least, in each week throughout the term. My subjects hitherto have been the *Scriptorum Ecclesiasticorum Opuscula*, edited by Dr. Routh, and the Book of Common Prayer. The numbers of those who have attended during the two years last past have varied, from term to term, as follows:—

Thirteen.
Three.
Six.
Twenty-six.
Sixteen.
Fourteen.

No fees.

I receive no fee for either course.

Rev. W. Jacobson, D.D.

Professorship of Divinity.

7. The general condition in the University of the branch of study to which your Professorship relates, and the means of promoting its advancement.

The general condition of theological study, so far as the junior members of the University are concerned, has been much improved by the subdivision of labour consequent on the increase of the number of Professors. Two,—of Pastoral Theology, and Ecclesiastical History,—were appointed by the Crown in 1842; and a third,—of the Exegesis of Holy Scripture,—under the will of the late Dr. Ireland, Dean of Westminster, in 1847.

WILLIAM JACOBSON.

J. Phillimore, Esq. D.C.L.

*Answer from J. Phillimore, Esq., D.C.L., the Regius Professor of Civil Law.**

Foundation.

THE Professorship of Civil Law in the University of Oxford was founded by King Henry VIII. in 1546, who endowed it with a stipend of 40*l.* a year. In 1617, King James I. united and annexed the Prebend of Shipton, in the cathedral church of Sarum, to this Professorship, and this Prebend has remained ever since inseparably attached to the office.

Emoluments.

The union of this Prebend with the Professorship was acknowledged and sanctioned by the Act of Uniformity (13th and 14th Car. II., cap. II., sec. 15), and has been respected and protected, *nominatim*, by all subsequent Statutes, which, by any latitude of interpretation, could be brought to bear upon the tenure of the Professor till the last Session of Parliament, when an Act was passed (without any consultation or advisement with the Professor, or with any of the authorities in the University) which purports to take away the emoluments of the function prospectively, and this for a very inadequate compensation, and by the transfer of the presentation of the vicarage of Shipton-under-Wychwood, which had hitherto formed a part and parcel of the Professorship, to another patron, who had no connexion whatsoever with the endowment, and without any cause or reason assigned. This fact I mention historically, and in the hope that this which appears, *primâ facie*, to be an act of spoliation of the Professorship, may meet with speedy redress in another Session of Parliament, when the facts of the case shall be fully understood and explained, since, without doubt, the Act must have been passed inadvertently and in ignorance of the true facts of the case.

The Prebend is endowed with the great tithes of the parish of Shipton-under-Wychwood, in the county of Oxford, to which the vicarage is appurtenant. Of course no emolument is derivable to the Professor from the vicarage, but the Prebend itself, with its incidents and emergents, constitutes the great bulk of the revenue of the Professorship. The tithes are leased on three lives to Colonel Wood, of Littleton in Middlesex, who pays an annual quit-rent of 56*l.* 3*s.* to the Professor. The three lives on which the lease is granted are those of Colonel Wood and two of his sons.

The Professor is also entitled to the nominal stipend of 40*l.* a-year from the Crown, which, however, is reduced by the fees of office, &c., to a net 34*l.* 17*s.* a-year. The payment was heretofore made by the Treasury to the Professor direct, but is now transmitted by the office of Woods and Forests to the Vice-Chancellor of the University of Oxford, and through him to the Professor.

The Professor is further entitled to an annual sum of 2*l.* as one of the *ex-officio* Visitors of the Ampthill Hospital.

The year before last a small slip of land through which the Oxford and Wolverhampton Railroad was to pass was purchased for a sum, which being invested in the Three per Cent. Consols, has produced stock to the amount of 223*l.* 15*s.* 3*d.*, and, consequently, a clear revenue of 6*l.* 10*s.* 4*d.*

So that the total amount of income (exclusive of fees accruing from degrees) is:

	£.	*s.*	*d.*
From Colonel Wood for reserved rent .	56	6	0
Stipend from the Crown . . .	34	17	0
Ampthill Hospital	2	0	0
Three per Cent. Consols . . .	6	10	4
Total . . .	99	13	4

Fees.

In addition to this the Professor is entitled to the fees for any Degrees in Civil Law to which he may present. The fees on a Bachelor of Civil Law are 2*l.* 3*s.* 4*d.*, for a D. C. L. Degree 7*l.* 6*s.* 8*d.*, for Grand Compounders they are something higher, but these are of very rare occurrence. The Professor is also entitled to two guineas for the presentation of any person for the honorary Degree of Doctor in Civil Law.

Qualifications.

2. As the Professorship is in the gift of the Crown, I apprehend that the discretion of the Crown is wholly unfettered as to any selection it may think fit to make. At all events, no special qualifications are required by the Statutes of the University for the person to be appointed to this office.

Residence, &c.

3. No residence, lecture-room, library, apparatus, &c. are provided for the Professors, and there are no funds for the provision or maintenance of any such appurtenances.

Statutable requirements.

4. The University Statutes (Tit. iv., s. 14, Tit. vi., s. 2, 3) assign certain duties to the Professor of Civil Law with respect to the Candidates for the Degrees in that science. These duties, from lapse of time, and the disuse into which the study of Civil Law has unhappily fallen, have become of mere formal observance. A statute, however, has been passed in the course of the present year (1851), which has for its object the restoration of the pristine practice,

* For Professor Phillimore's general answers, *see* Part I., p. 232.

and the substitution of real for formal examinations of the Candidates for degrees in that science; this Statute seems to me to hold out a fair prospect of a successful result, but it does not come into full operation till the Trinity term of the next year. *J. Phillimore, Esq. D.C.L.*

5. The appointment is by Letters Patent from the Crown, and the office is holden for life. Appointment.

6. No public lectures on the study of the Civil Law have been delivered in the University of Oxford for more than a century. Lectures.

I succeeded Dr. Laurence in the Professorship, who, like myself, was resident in London, and an advocate in much practice in Doctors' Commons. He was also M.P. for Peterborough. On his demise the Duke of Portland signified to me the intention of the Crown to confer the vacant office upon me. This communication, however, was accompanied by an intimation that if he could have found any person resident within the University equally competent with myself, such a person he should have selected; but, that not being the case, and the general voice of the persons with whom he had advised within the University having designated me for the post, he could not expect or require me to abandon my profession in London, but that he must trust to me that I would do the best I could for the discharge of the office.

There was a distinct understanding between us on the subject of residence. I have, however, several times had it in contemplation to give a course of lectures in Oxford, but, on consultation with the leading persons in the University, I have never received any encouragement to give effect to such an attempt. In point of fact, such has been the change of studies in the University since the passing of the Examination Statute, that the Professor would never have secured a class to attend a course of lectures unconnected with the preparation for the Bachelor of Arts degree. The object of the Undergraduates of the present day is to take a good degree, and for this purpose they enlist themselves under the banners of Private Tutors, and devote themselves exclusively to the system which has hitherto conducted to the attainment of Honours, so everything without the scope of the ordinary routine seems alien to their purpose, and an useless diversion from their main object; although there can be no doubt that a competent knowledge of the Civil Law, as it existed anterior to the reign of Augustus, might shed a lustre over the first degree. Indeed all the works of standard excellence in the Latin language teem more or less with references and allusions which cannot be thoroughly understood without some knowledge of the laws of ancient Rome; and add to this, that if the Undergraduates had their attention early directed to some such course of instruction as I have glanced at, they would be better prepared for the study of the Institutes of Justinian, and those Imperial Constitutions which our Statutes deem to be essential to the attainment of the several degrees of B.C.L. and D.C.L. Study of Civil Law.

The evil has arisen from this, that the members of the several Colleges, the Statutes of which exact degrees in Civil Law as essential qualifications for holding or retaining certain Fellowships, have beyond the memory of man been accustomed to obtain such degrees after a formal and common-place examination, and so inveterate has been this practice, that they consider themselves in the enjoyment of a privilege which ought to liberate them from any severity of examination in this science.

If the Statute which has so recently passed shall have the effect in practice of giving efficiency to examinations, which for a century and a half have slept or existed only in theory, the study of the Civil Law may again revive, and, in addition to its own intrinsic excellence, may be assistant in introducing a more liberal examination for the honours of a first degree.

There is, however, another branch of duty attached to the Professorship of Civil Law in Oxford, for which the stipend annexed to the office forms a very inadequate compensation, if reference be had either to its laborious and anxious functions, or to the habit of composition in the Latin tongue which is essential to the due discharge of it; I allude to the presentation to the honorary degrees of D.C.L. In Cambridge this duty is, I believe, performed by the Public Orator, and there such degrees are of rare occurrence; but it has become in Oxford the peculiar duty of the Professor of Civil Law, and in Oxford these degrees have become infinitely more frequent than they were in former years. Presentation for Degrees.

In addition to this, the University has of late years cast another burden upon the Professor of Civil Law, by calling upon him individually to address speeches in Latin to distinguished persons who happen to be in the Sheldon Theatre when degrees by diploma have been conferred on them; with these degrees the Professor of Civil Law seems to have no connexion. Latin speeches.

Since I have held the office of Professor, I have several times been called upon to make speeches of this description.

The speeches I addressed severally to the Emperor of Russia and the King of Prussia, which were printed by the University, were of this description; and I have been called upon to make others on more recent occasions, as in the instances of one of the Princes of the House of Orange, and of His Royal Highness Prince Albert, and others.

JOSEPH PHILLIMORE,
Regius Professor of Civil Law in the University of Oxford.

Doctors' Commons, November 29, 1851.

The Rev. A. P. Stanley, Secretary,
&c. &c. &c.

Answers from J. Kidd, Esq., M.D., late Regius Professor of Medicine. *J. Kidd, Esq., M.D.*

Professorship of Medicine.

Sir,

In answer to the letter which I had the honour of receiving from you on the 22nd of last month, I beg leave to say that, having no copy of a statement made by me a few years

J. Kidd, Esq., M.D.

Professorship of Medicine.

since on a different occasion, but very much of the same character with that which I am now requested to make, I am afraid I cannot give such accurate information as may be expected. I trust, however, that it will be sufficiently accurate for all practical purposes.

1. Qualification.

With respect to the first and second questions in the Third Series, addressed particularly to the Professor of Medicine, I believe that no other special qualification is required by statute in the person to be appointed Professor of Medicine than that he shall have graduated as doctor in that faculty.

I was appointed Regius Professor of Medicine in the year 1822; and by virtue of that appointment I became Dr. Tomlin's Prælector in Anatomy, and Dr. Aldrich's Professor of Anatomy; and by virtue of the same appointment I became also Master of Ewelme Almshouse, an endowment attached to the Regius Professorship of Medicine by King James the First.

2. Emoluments.

From the several offices just mentioned I receive annually, after deduction of the income tax, &c., the following emoluments:—

	£.	s.	d.
As Regius Professor of Medicine, from the Queen's Exchequer .	34	19	0
As Dr. Tomlin's Prælector in Anatomy, from land, near Bicester, intrusted to the University in 1623	30	11	1
As Dr. Aldrich's Professor of Anatomy	124	15	0
As Master of Ewelme Almshouse—			
1st. In the shape of annual salary	58	5	0
2ndly. In the shape of fines from the estates of the Almshouse, on the average of the last 20 years	218	8	9
Total . . .	£466	18	10

3. Residence, lecture-rooms, &c.

Question 3.—In the early part of the last century, Dr. Frewen, M.D., of Oxford, left the remainder of the lease of his house, near the Cornmarket, Oxford, to the Regius Professor of Medicine, under the trusteeship of the University; and the lease was renewed to the Trustees from time to time by Brasenose College, to which College the house belongs, till last year, 1849, when, the period of the last lease having expired, the Principal and Fellows of Brasenose took the house into their own hands.

In answer to the latter part of Question 3, I beg leave to state that no lecture-room, library, apparatus, or collections of any kind are provided for the Professor of Medicine.

4. Statutable requirements.

Question 4.—There are statutes which require the Professor of Medicine to deliver Lectures in Anatomy and on the subject of Medicine; and from the period of my appointment in 1822 till 1845 I annually delivered two courses in Anatomy and Physiology, each course consisting of about 20 lectures. It will, perhaps, be considered right here to mention, that I had previously delivered similar courses of lectures, from the year 1817 to 1822, in the Anatomical Theatre belonging to Christchurch, which was built and endowed by Dr. Lee about a century since; and I continued to deliver them, as above stated, till 1845. Having in the last-mentioned year resigned Dr. Lee's Readership in consequence of declining health, I was succeeded by Dr. Acland, who has continued from that time to give annual courses in Anatomy and Physiology. I may here also mention that, inasmuch as the University does not require the delivery of two parallel courses of lectures on the same subject by different lecturers, the lectures delivered by me from 1817 to 1822 were considered as standing in lieu of the Anatomical Lectures which had heretofore been delivered by my predecessor in the Regius Professorship of Medicine, Sir Christopher Pegge, who ceased to lecture, in consequence of declining health, in 1817; and on the same ground the Lectures in Anatomy, delivered annually by Dr. Acland since 1845, are considered as in lieu of those which, as Professor of Medicine, I am directed to give. On the subject of medicine, I have never been called on to lecture; partly, because it has been a universal custom, for the last 60 years at least, for the Medical Students of Oxford to resort to the London or other schools for the purpose of attending Lectures on the Theory and Practice of Medicine as soon as they had taken their degree of Bachelor in Arts at Oxford; and, partly, because the very few who wished for information on the subject of medicine during their undergraduateship preferred an attendance on the Lectures delivered by Lord Lichfield's Clinical Professor at the Radcliffe Infirmary.

5. Appointment.

Question 5.—The Regius Professor of Medicine is appointed by the Crown, and has always, I believe, held the appointment during his life, and has not in any instance been removed.

6. Lecturers and Fees.

Question 6.—This question will probably be considered as answered under the head of the fourth question, with respect at least to the most material points. I have only to add, that for many years previously to my having ceased to lecture, the number of Pupils attending any course delivered by me had rarely been more than ten, often not above four or five; and the same has been the case with respect to the courses of most of the other Professors. The fee for attendance in the courses delivered by me was three guineas.

7. State of Medical study.

Question 7.—With reference to the question, whether the University of Oxford might be made a more effective School of Medicine, I am strongly of opinion it could not; principally, because, from the comparatively small amount of the population of the city of Oxford, it never could afford a sufficiently ample field of observation for the successful study of medicine; but also because, from the limited and interrupted periods of the Academical Terms, there would not be sufficient time to give such expanded courses of lectures on medical subjects as are requisite for professional students.

Answers from the Rev. Baden Powell, M.A., F.R.S., Savilian Professor of Geometry.

Rev. B. Powell, M.A., F.R.S.

Savilian Professorship of Geometry.

Question 1.—Endowment, &c.

1. Endowment.

The original charter of Sir H. Savile, dated August 11, 1619, is deposited in the Savilian Library, and a copy is printed in the Appendix Statutorum Univ. Oxon., 4to, p. 28.

The endowment consists of the rent of lands held in trust by the University. The Statutes (§ 7, &c.) direct all expenses and profits to be equally divided between the two Professors of Astronomy and Geometry; and (as stated in the answers of the Professor of Astronomy) for the last eight years the receipts to each Professor (after deducting expenses) have averaged about 275*l.* per annum.

Some small ancient stipends to Mathematical Lecturers are paid by the University to the Savilian Professors, agreeably to the statute, § 12. The Professors, on the other hand, pay certain dues to the University, the balance being 3*l.* per annum, against the Professors, paid to the University.

Besides the original endowment, common to the two Professorships, the Professor of Geometry enjoys a bequest made by Dr. Smith (by will, dated April 8, 1796,) of a small tenement adjacent to the back of the house occupied by the Professor, and at present united to it; and of a stable (now used as a workshop) in St. Helen's Passage, adjacent, the rent of which is 5*l.* per annum.

The Professor is prohibited by statute from holding any kind of ecclesiastical or academical preferment with the Professorship, though some academical offices have been customarily excepted. The present Professor holds no other office.

Question 2.—Qualifications, &c.

2. Qualifications.

The same as for the Professor of Astronomy (see his answers), [Statutes, § 5.]

The Professor is admitted in Congregation, and takes oaths of obedience to the University and Savilian Statutes (§ 6). He is exempted from the obligation of sitting in Congregation.

Question 3.—Residence, &c.

3. Residence, &c.

The bequest of Dr. Wallis (see Professor of Astronomy's answers) consists of two houses, that assigned to the Professor of Geometry being the largest. The Professor pays annually to the University, who hold it under New College, for the house—

	£.	*s.*	*d.*
Quit-rent	3	4	6
In lieu of fines on renewal . .	0	15	6
	£4	0	0

It is probable that the Professors may be deprived of these houses in 1854, when the lease falls in to New College.

For the Savilian Library, see Professor of Astronomy's answers. No lecture-room or apparatus are provided.

No lecture room.

Question 4.—Statutable duties, &c.

4. Statutable requirements.

The statutes require certain lectures to be delivered in Latin on ancient writers, both on pure mathematics and on some mixed branches, in the school of geometry, which all Scholars within certain limits of standing are required to attend, under penalties for non-attendance. (Sav. Stat., §§ 3 and 4; and Stat. Univ., Tit. iv., § 6.) The Professor is also required to give private instruction, if desired.

Neither these nor the other ancient lectures are now enforced by the University authorities. If they were, the *fines* would probably amount to a considerable sum. The Latin lectures prescribed would clearly be useless at the present day. It has accordingly been long customary for the Professor to substitute English lectures on the same subjects, treated in the modern method, at more convenient times and places. The Professor has often given private instruction and assistance when no class has been formed. The *mixed* or physical subjects included in the enumeration in the statutes now usually form a part of the courses of other Professors, and it has therefore been customary for the Professor of Geometry to restrict his lectures to *pure* mathematics.

Question 5.—Mode of appointment, &c.

5. Appointment, &c.

The same as the Professor of Astronomy.

Question 6.—Lectures, &c.

6. Lectures, &c.

The present Professor has sometimes given separate courses in each term; but finding the attendance very small, and often none, has of late usually announced one more comprehensive course in the year, consisting of from 12 to 15 lectures, but extended beyond that number if circumstances required it. The course usually comprises Trigonometry; Conic Sections, illustrated by models, &c.; the Principles of Algebraic Geometry, and of the Differential and Integral Calculus, with its applications; together with outlines of the history of Mathematics, and discussion of the nature of the reasoning. Assistance is also given in written problems, &c., to those who desire it.

The Professor has experienced the greatest difficulty in obtaining a class. Almost the only occasions on which he has been able to form one have been when he was a public examiner, and when the Tutor of any College has sent a number of his Pupils. A fee of 1*l.* 1*s.* has been sometimes charged; but the lectures have often been offered gratis.

Rev. B. Powell, M.A., F.R.S.

Savilian Professorship of Geometry.

TABLE I.—SAVILIAN PROFESSOR of GEOMETRY'S LECTURES.

Year.	Number of Pupils.	REMARKS.
1827	18	Of whom nine were sent by their College Tutor. The Professor also Examiner, 1827–8.
1828	16	Seven sent by Tutor.
1829	12	
1830	7	Three sent by Tutor.
1831	7	The Professor also Examiner.
1832	1	
1833	0	
1834	2	
1835	0	
1836	—	In the years marked —, no course was announced, owing to illness, or other cause.
1837	0	
1838	—	
1839	0	
1840	—	
1841	2	
1842	1	
1843	—	
1844	7	All sent by Tutor.
1845	—	
1846	1	
1847	7	All sent by Tutor.
1848	4	
1849	7	Four sent by Tutor.

7. State of Mathematical study.

Question 7.—The general condition and prospects of mathematical studies.

We have few data for accurately answering this head of inquiry.

If we had reports of the numbers attending College lectures on these subjects, or of those who take up Mathematics at the pass-examinations, some estimate might be formed.

The proportion of those who have obtained mathematical honours, of all classes, to those who passed the examination, is easily ascertained (as given in Table IV.), and furnishes the proportion of those who have *publicly evinced* any acquaintance with mathematical and physical subjects beyond the most imperfect knowledge of the first elements. This proportion does not average more than one-tenth, and has remained nearly stationary during many years.

Another source of evidence is the number of candidates for the Mathematical Scholarships (as given in Table II.) As far as the B.A. Scholarship is concerned, this proves little, except that two or three Bachelors annually are induced to carry on their mathematical studies.

Since the remodelling of these Scholarships, in 1843, and the opening of Junior Scholarships, the number of candidates for them (who must be of less than nine terms' standing), gives some idea of the number of Undergraduates who proceed to a considerable extent with mathematical studies.

On comparison of Tables II. and IV., the average number of these candidates is found somewhat *less* than that of those who obtain mathematical honours.

The subject may also, perhaps, be in some degree illustrated from the numbers attending the Professor of Geometry's lectures, as well as those of the reader in experimental philosophy, as given above, and in the answers of the experimental reader. For comparison with former years, a similar statement (Table III.) is added of the numbers attending the late Professor Rigaud, obtained from a MS. deposited by him in the Savilian Library.

As to the actual *extent* of the mathematical course, among the few who do follow it up, it is clearly shown by the printed examination questions, and will, it is presumed, be generally allowed to be fully as extensive as can be desired; though, perhaps, the introduction of questions bearing more on general principles, and dependent less on mere dexterity in details, would be an improvement.

The evil is that these studies, though encouraged to a great extent among the few who possess a peculiar taste for them, are too generally regarded as something peculiar and extraneous, and not as an essential branch of general education; there having been hitherto no compulsion on an Undergraduate to follow any portion of these studies, while such compulsion does exist with reference to other subjects.

The causes of this state of things appear to be chiefly—

(1.) The absence, hitherto, of a positive requirement of some part of mathematical and physical science in the examinations.

(2.) The omission of these subjects in the examinations for College Scholarships and Fellowships.

(3.) The want of preparation in the first rudiments of these studies (especially in Arithmetic and Algebra) before entering the University.

(4.) The common mode of teaching the Elements of Geometry, by restricting the Student to the letter of the six books of Euclid, while it would be far easier, and more useful to the generality of Students, to introduce the modern methods at an early stage, and proceed to their elementary physical applications.

On the whole, what appears to be imperatively called for is a general acknowledgment and enforcement of the principle that *the elements of mathematical and physical science should be*

placed exactly on the same footing in the University system as the moral sciences and the classics; a requisition which is, in fact, no other than what is fully recognized by the ancient statutes of the University (see Corp. Stat., Tit. ix., Sect. ii., §§ 1 and 2); and would remove the opprobrium so justly cast on the University of sending forth yearly a host of Bachelors of Arts profoundly ignorant of the most common rudiments of science.

Rev. B. Powell, M.A., F.R.S.

Savilian Professorship of Geometry.

TABLE II.—MATHEMATICAL SCHOLARSHIPS.

Year.	Number of Candidates for Scholarship.	Year.	Number of Candidates for	
			Senior Scholarship.	Junior Scholarship.
1831	3	1844	2	20
1832	4	1845	3	15
1833	3	1846	1	15
1834	2	1847	1	18
1835	3	1848	4	19
1836	3	1849	4	16
1837	3	1850	4	17
1838	3	1851	8	22
1839	4			
1840	2			
1841	3			
1842	4			
1843	1			

TABLE III.—EXPERIMENTAL PHILOSOPHY LECTURES.

The celebrated Dr. Bradley lectured on Experimental Philosophy at Oxford from April 1746 to April 1760, giving 33 courses, at which the attendance averaged 57 Pupils.

[From a MS. in the possession of the late Professor Rigaud. See also his Edition of Bradley's Works, Oxford, 1832, p. 28 and 99.]

The late Professor RIGAUD'S LECTURES.

Year.	Number of Pupils.		REMARKS.
	Geometry.	Experimental Philosophy.	
1811	18	39	Appointed Professor of Geometry, and Reader in Experimental Philosophy, 1810.
1812	19	47	
1813	14	40	
1814	6	44	
1815	10	39	
1816	12	12	
1817	15	34	
1818	9	62	
1819	7	66	
1820	8	32	
1821	18	29	
1822	6	17	
1823	6	43	
1824	1	34	
1825	10	42	
1826	12	49	
	Astronomy.		
1827	10	15	Appointed Professor of Astronomy and Radcliffe Observer, 1837.
1828	8	24	
1829	4	7	
1830	3	28	About this time (1830) the Dean of Christ Church introduced the regulation that every Undergraduate of his College should attend one course of Experimental Philosophy.
1831	0	25	
1832	9	88	
1833	5	62	
1834	5	55	
1835	4	35	
1836	0	39	
1837	2	40	
1838	1	39	

Rev. B. Powell, M.A., F.R.S.

Savilian Professorship of Geometry.

TABLE IV.—PUBLIC EXAMINATIONS.

Year.	Matriculations.	Candidates for Examination.	Passed.	Obtained Honours.		
				Classical.	Mathematical.	Both.
1831	387	..	279	107	22	15
1832	377	..	275	104	21	17
1833	384	..	291	135	25	16
1834	360	..	292	120	21	15
1835	369	..	275	105	22	8
1836	369	..	261	121	28	20
1837	421	..	274	124	24	18
1838	393	..	279	105	24	10
1839	404	394	245	86	26	12
1840	396	419	323	97	22	2
1841	441	399	272	105	27	14
1842	379	417	291	92	27	16
1843	390	409	308	98	22	12
1844	398	408	294	79	26	9
1845	438	398	298	84	36	16
1846	411	384	282	99	22	8
1847	406	323	288	91	29	15
1848	412	404	303	93	24	13

TABLE V.—RESPONSIONS.

The following Table was obtained from a Register kept by the late Clerk of the Schools, Mr. Purdue.

Year.	Number of Candidates.	Passed.	Failed.	Withdrawn.
1832	415	308	51	56
1833	420	325	42	53
1834	379	307	29	43
1835	395	292	45	58
1836	420	311	56	53
1837	431	295	73	63
1838	489	336	107	46
1839	483	375	70	38
1840	408	326	53	29
1841	412	338	40	34

These Tables have been annexed as calculated to furnish data, which may be interesting in various inquiries into Academical Statistics.

W. F. Donkin, M.A.

Savilian Professorship of Astronomy.

*Answers from W. F. Donkin, M.A., Savilian Professor of Astronomy.**

1. Endowment.

1. The endowment consists of the rents of certain land left by Sir H. Savile. There are four farms, the proceeds of which are equally divided between the Professors of Geometry and Astronomy.

During the eight years that I have held the Professorship of Astronomy, the actual annual income of the Professorship (deducting expenses of repairs, valuations, &c.) has been, on the average, not quite 275*l*. No other sources of income are attached to it. (See also answer to question 5.)

2. Qualifications.

2. The person to be appointed is required by the Statute to be of good fame and honest conversation; of any Christian nation, and any rank or profession; to be thoroughly instructed in Mathematics, having first imbibed a knowledge of Philosophy from Aristotle and Plato; and to possess at least a moderate knowledge of Greek. He must be at least 26 years of age, and, if English by birth, must have taken the degree of M.A. regularly (without dispensation as to time or exercises). (See the Savilian Statutes in the Appendix Statutorum.)

3. Residence.

3. A residence is at present provided for the Professor, but not by the original endowment. Dr. Wallis (formerly Professor of Geometry) left to the University, for the benefit of the Professors, the lease of two houses belonging to New College. This lease will soon expire (I believe in 1854), and then the Professors will have no residence, unless some new arrangement be made. At present the Professors pay nothing for their houses except rates and taxes.

No Lecture-room is provided. It is my custom to lecture at my house.

Library.

There is a Library, chiefly consisting of books left by Sir H. Savile and Dr. Wallis. There are no funds for keeping it up, and it therefore contains no modern books except the published Observations of certain Observatories, which are regularly presented to the Library.

* For Professor Donkin's general evidence, *see* Part I., p. 106.

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Savilian Professorship of Astronomy.

The Library contains also a few old instruments and models, &c., now entirely useless.

Instruments.

In 1849 I applied to the University for a grant of 200*l.*, to be expended in the purchase of instruments for the illustration of my Lectures. This was immediately granted, and the money was spent partly in the purchase of instruments, and partly in fitting up a small room at the top of my house (which appeared to have been formerly used for a similar purpose) for their reception. The room is ill-adapted for the instruments, and inconvenient for the reception of pupils. I have, nevertheless, found it of some use.

4. Statutable requirements.

4. There are specific duties required of the Professor by statute; namely, to lecture on Astronomy, Optics, &c., and to make and record Astronomical Observations. With respect to the last requirement, I intend to say something below. With respect to the Lectures, nothing is required which might not be profitably enforced, except the use of certain books which are mentioned as text-books for Astronomy; such as the Almagest, and others now obsolete. (See the Savilian Statutes, § 2.)

5. Appointment.

5. The Savilian Professors are elected by the following official persons:—

The Archbishop of Canterbury, the Lord Chancellor, the Chancellor of the University, the Bishop of London, the Principal Secretary of State, the three Chief Justices, and the Dean of Arches; with the advice (if they please) of the Vice-Chancellor of the University.

The office is for life; but the Professor is removable for immorality, notorious incompetence, or intolerable negligence.

Also, when incapacitated by age or permanent sickness, &c., he is to be removed from his office, retaining, however, one-third of his stipend for life, unless he have otherwise 100*l.* per annum. His successor to be content with two-thirds of the stipend until the death of the retired Professor.

Also, he cannot retain his office along with any ecclesiastical preferment (with or without duties); nor with the Headship of a College or Hall; nor with any public office in the University, such as that of Vice-Chancellor, Proctor, &c., nor with a Fellowship of a College.

6. Lectures.

6. The subject of the Lectures has generally been Plane Astronomy, including the elements of Practical Astronomy. I have once had a class in Physical Astronomy.

It has been my custom to give notice of Lectures three times in the year, namely, at the beginning of Michaelmas, Lent, and Easter terms. A Class has usually been obtained once or twice in each year, and a course of from twelve to sixteen Lectures given. The average number of the Class has been about three. No fees are paid by the Pupils. I have always required that persons attending the Lectures should have a previous knowledge of certain branches of elementary Mathematics; but during the time that I have held the Professorship, I have only had to reject two applicants in consequence of this requirement.

7. State of Astronomical study.

7. The scientific study of Astronomy requires to a certain extent a previous mathematical education. It could not, therefore, be expected that Astronomy would be much cultivated in a University where Mathematics were neglected. Whenever the number of mathematical Students shall increase, the number of astronomical Students will probably increase in the same proportion.

The Professor of Astronomy in Oxford has not, *ex officio*, the charge of any Observatory. This circumstances is, on the one hand, a great advantage, as it relieves him from the labour of the corresponding duties, which, in the present state of the science, are such as to be, in my opinion, incompatible with the efficient performance of Professorial functions by the same individual. On the other hand, it is a disadvantage, inasmuch as it deprives him of the opportunity of familiarising either himself or his Pupils with the actual use of instruments.

The small Observatory mentioned in the answer to question 3 was established at my request with a view to obviate this disadvantage. In the present state of astronomical studies in Oxford, the inadequacy of this Observatory is of little consequence. But in the event of any considerable increase of the number of mathematical Students, it would be in my opinion, very desirable that a more suitable locality should be provided; that it should be supplied with more instruments; and that there should be a fund for keeping it up and supplying the Library with books. I think it is to be considered that practical Astronomy is not merely a means of obtaining astronomical results, but is also capable of being made highly useful as an instrument of intellectual discipline and cultivation; as it depends, in its fundamental parts, upon simple applications of elementary geometry, and requires very clear conceptions and exact reasoning, without involving (so far as it needs to be taught for educational purposes) the more abstruse parts of Mathematics. On this ground, therefore, I think the existence of an educational Observatory desirable, as well as on the further ground that it would afford to Students the opportunity of becoming actually acquainted with the phenomena of the heavens.

The Radcliffe Observatory was founded in 1772, at the request of Dr. Hornsby, then Savilian Professor of Astronomy, and was intended by him to be employed for purposes of instruction, as well as for those of a regular public Observatory. I am not aware, however, that this intention was ever carried into effect. The offices of Savilian Professor and Radcliffe Observer were held together by Dr. Hornsby, and by his two immediate successors. They were then separated, and it is not probable that they will ever again be united; nor do I think it desirable that they should. The Radcliffe Observatory is not a University institution, and the Observer is not appointed by the same electors as the Professor.

The duty of the Observer is to employ his instruments for the advancement of the science; and he ought not to be required to use the same instruments, or allow them to be used, for any other purpose. It is not, therefore, in my opinion, to be considered that the Radcliffe Observatory supplies, or could supply, the wants of the University, so far as the instruction of

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Savilian Professorship of Astronomy.

Students is concerned. At the same time its existence renders unnecessary that part of the Savilian Statutes which (as mentioned above) requires the Professor to make and record observations for the advancement of science; a requirement with which he cannot comply because he is not supplied with instruments; and with which it is not desirable that he should comply, because his time is, or ought to be, otherwise fully occupied.

W. F. DONKIN.

Rev. J. M. Wilson, M.A.

*Answers from the Rev. J. M. Wilson, M.A., Fellow of Corpus Christi College, and Professor of Moral Philosophy, in the University of Oxford.**

Professorship of Moral Philosophy. Endowment, Appointment, Qualification.

Questions 1—5.—For the nature of the endowment, mode of appointment, &c., &c., see Oxford University Statutes. The directions of the Founder of the Lecture are there given.

6. The nature and number of the Lectures delivered in each year? The average number of Pupils, and the fee paid by each Pupil?

Lectures.

My practice has been to lecture every term, generally three times a-week, sometimes four times, and occasionally every day. Once a-week I have been in the habit of reading a written lecture for the more advanced Student. On the other days I have explained and criticised some Greek or English writer on Mental or Moral Philosophy. The number of Students attending the Lectures has varied considerably, according to the subject. On an average of four years, it may be set down as somewhere between 40 and 50. I should say that those only attend the Lectures who are reading for Honours. Last term I desired persons attending to let me know their University standing, and found that all were in the third or fourth year. This has probably been the case throughout. I have hitherto taken no fee.

7. On the present state of Mental and Moral Philosophy, as studied at Oxford.

Unsatisfactory state of the study of Mental and Moral Philosophy.

There is a very general feeling in the University, and one in which I fully share, that the subject of Mental and Moral Philosophy is in a very unsatisfactory condition. I have not known any Public Examiner of late years who has not expressed disappointment and dissatisfaction on first reading over the Logic and Ethic papers of the Candidates for honours. Many have spoken very freely on this subject, and taken every opportunity of making their opinion known. The feeling is that the mode in which these subjects are studied has rather a pernicious effect than otherwise on the mind of the Student; that instead of clearing the mind, it obscures it, and is an impediment rather than a help to it in after-life. My own impression was, that the time given to these subjects in very many cases, indeed in most cases, was thrown away. The young men did not appear to have formed any clear conception of the scope and object of Mental Philosophy, or to have learnt either its method or its doctrines.

It is not difficult to assign the causes of the condition of Mental and Moral Philosophy.

1st. The subject is taught almost exclusively by persons who have not made it their special study, and who confine themselves to acquiring such a knowledge of the subject as the present routine of the University demands.

Causes of this state.

2nd. The examinations are conducted almost exclusively by persons taken from the class of College Tutors. These naturally ask such questions as they know that the routine of instruction in Mental Philosophy will enable the Student to answer. Even when the Examiner has a profound acquaintance with the subject, and a just appreciation of the kind of questioning proper to direct the Student in his reading, he continues to ask the usual questions, thinking it useless to do otherwise, as his tenure of office is of such short duration.

3rd. The Candidate for honours in the Literæ Humaniores School has to study this subject along with many others. He cannot give to it the time necessary to enable him to attain proficiency in it. He has to hurry from one book to another, from one subject to another, from one class of ideas to another. If his mind were really interested in the subject of Moral Philosophy, and arrested by it, it might prevent his making the preparation in other subjects necessary to success in the examination.

This state of things appears to me to offer an insuperable impediment to a profitable study of this very important and very useful science (which is indeed a complement to every other science), and I will venture to assert that if it is to be effectually studied, it will be necessary to remove all these obstacles together. It will not be sufficient to remove one, or even two—they must all be removed together. It will be useless to provide teachers of Mental Philosophy, so long as the examinations are conducted by persons who have no special knowledge of it, and the Student is compelled to take it up in connexion with many other subjects. Neither would it be of any use to separate Mental Philosophy from the Literæ Humaniores School, and enable the Student to give it more undivided attention, without at the same time providing Teachers and Examiners more specially fitted for their task.

Remedies.

1. One or more Professorships.

I would recommend, therefore—1st. That one or two Professorships should be created, to maintain persons who may devote themselves to the study of Mental and Moral Philosophy. These persons would be made responsible by their position for the condition of the subject in the University. It will be their business to expound it in such a way as to promote a sound and useful knowledge of it, and to discourage an unprofitable, verbal and technical study of the science.

2. Separation from the School of Literæ Humaniores.

2nd. That Mental Philosophy should be separated from the Literæ Humaniores School, and that a school should be opened, and examinations held in it for the encouragement of those who wish to pursue the subject. The Student should be required to take up Mental Philosophy in

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* For Professor Wilson's Evidence as Public Examiner, *see* Part III., p. 295.

connexion always with one other subject. This arrangement would have a double advantage. Those who would be really benefited by the study will have more time to bestow on it, and those who would read it without profit, will be enabled to attend to other studies more profitable perhaps to them. Mental Philosophy will be no longer a condition of a person acquiring University Honours, and will be cultivated by those only, or chiefly, who have a taste for it, and would profit by it. *Rev. J. M. Wilson, M.A.*

3rd. That Examiners should be appointed with reference to their attainment and proficiency in the science, who should continue in office for a longer time than they do at present, or perhaps it would be a better plan to give to the Professors in this faculty a permanent voice in the school, and add to them Examiners chosen from the University, as at present, by the Vice-Chancellor and Proctors. This addition might be an useful stimulus to the older and more permanent element. 3. Better appointment of Examiners.

I can see no other way of promoting the study of Mental Philosophy than that which I am recommending, viz., that of devoting to the cultivation of it a certain number of competent persons as Professors, and at the same time removing impediments to their effectual teaching of the science. Two Professors would, I think, be sufficient for the purpose; I should prefer, however, seeing one new Professorship created, which should be called the Professorship of Mental Philosophy, and the present Professorships of Moral Philosophy and of Logic retained as Sub-Professorships. In that case it would be well to retain the limitation as to time now attaching to these Professorships. The Professor of Mental Philosophy should always be the most eminent person as regards knowledge of the subject that can be found, and the Sub-Professors should assist him in teaching. I prefer this scheme, as uniting the advantages of a permanent and changing system, and combining an older and more experienced with a younger element in the tuition. Combination of Professors.

This arrangement would enable the Professors to enter on an exposition of the whole subject of Mental and Moral Philosophy. One Lecturer might undertake the analysis of the perceptive and intellectual powers. He would lecture on what is called the origin or sources of our ideas; analyse the various powers or faculties exerted by the mind in the acquisition of all its varied knowledge, mathematical, physical, &c. He would also handle the various questions connected with this subject, the nature of human knowledge, *i. e.*, the kind of knowledge we are capable of acquiring with our proper human faculties; the scope and object of science, &c. &c. He would also prescribe to the Student a course of intellectual discipline and education, showing what subjects or studies are proper to develope and strengthen the intellectual faculties, or afford the mind practice in the discharge of its various processes, and give it a practical and experimental acquaintance with its own powers. He would thus lead the Student to see the necessity of connecting the study of the object with that of the mind which scans it, and he would thus play into the hands of the Mathematical, Physical, Historical, and other Professors, who would in their turn refer the Student back to him. Persons reading Mathematics, or any branch of Physical Science, or indeed any science, might be advised to attend lectures on this part of the subject.

Another might lecture on the philosophy of the active and moral powers; he might analyse the various appetites, passions, and affections; the various motives, prudential, moral, social, &c., which determine human conduct; or he might undertake the analysis of the moral sentiments; explain the variations in the moral code of different nations, and determine the laws subject to which we form our conceptions of right and wrong. Lectures on this part of the subject would be attended with most profit by persons reading for Honours in the School of Modern History, Law, and Political Economy.

Another Lecturer might take the History of Philosophy—a most instructive subject in the hands of a philosopher. He might trace out the intellectual history of mankind, and show in what manner and by what subjects the human mind has been brought to its present comparative maturity, and has learnt the right use and profitable employment of its powers.

The introduction of this systematic teaching of Mental Philosophy is very appropriate at this moment. We are just now comprehending the Natural Sciences in our scheme of education; we are introducing also Political Economy, Law, and Modern History. Intellectual Philosophy should come in along with the one class of studies, and Moral Philosophy should come in with the other: or, at least, Intellectual Philosophy should be regarded as the proper accompaniment of both.

In the course of time all these sciences will grow and flourish together. The study of one will promote the study of all the rest. In time, also, the Teachers of each subject will have a certain knowledge of the others, and the advantage of this state of things we can hardly appreciate at this moment.

It may appear at first sight that this mode of teaching the subject is unsuited to the age and capacity of the persons for whose benefit the lectures are intended. I am decidedly of opinion, however, that the subject as it is now taught, is far more difficult and repulsive to the beginner than it would be on the method I recommend. The Student who first enters on the study of Moral Philosophy in the Ethics of Aristotle, is doubly embarrassed. The thoughts are new to him, and he encounters them for the first time, not only in a foreign tongue, but under very obscure forms of expression, for which it is difficult to find an equivalent in his own language. By degrees he becomes familiar with the technical language of the writer, and takes an interest more or less in the questions at issue between Aristotle and his master. But these questions, it should be remembered have, many of them, little interest for us. The knowledge of them is, in many instances, barren erudition, and if this erudition stand in the way of better and more useful acquirements, it is a serious mischief.

In short, many of the difficulties now experienced by the Student are not proper to the subject of Mental Philosophy, so much as to the manner in which it is taught. A simple

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exposition of it, disentangled from the many perplexing discussions which are the offspring of the old metaphysical methods, would make it comparatively easy and intelligible. I would not, however, be understood as recommending that the study of Aristotle, of Plato, of the Greek Philosophy, or of the History of Philosophy generally, should be discontinued. I think the history of any science may be made very instructive by the mental philosopher; the History of Philosophy most of all. It is even indispensable to him, as exhibiting the laws of intellectual progress. So far from wishing it discontinued, I should be glad to see the works of some Greek or Roman philosophers taken up by every Candidate for Honours in the School of Mental Philosophy; what I recommend is, that such study should be accompanied or prefaced by attendance on lectures exhibiting the actual condition of the science, and combining all the light which the successful cultivation of the various modern sciences has thrown on the nature and powers of the mind which created them.

Rev. E. Cardwell, D.D.

Answers from the Rev. Edward Cardwell, D.D., Camden Professor of Ancient History.

Professorship of Ancient History.

SIR,

I HAVE had the honour of receiving from you, as Secretary to her Majesty's Commissioners for Oxford, a paper of questions connected partly with general principles of University government, and partly with the constitution and duties of my own office as Professor of Ancient History.

Constitution of the University.

On the first portion of questions I have no observations to make, beyond this—that I am satisfied with the present constitution of the University, and believe that in the hands of honest and able administrators it is, upon the whole, better calculated than any other hitherto proposed to discharge its proper duties.

The second portion of questions I will answer in detail.

1. Endowment.

1. The professorship of Ancient History is endowed by a charge of 140*l.* per annum on an estate at Bexley, in Kent. It has no other source of income.

2. Qualifications.

2. No special qualifications are required by Statute in the persons appointed.

3. Residence, &c.

3. No residence, library, apparatus, collections, &c., are provided for the Professor. He delivers his lectures in the general lecture-room in the Clarendon.

4. Statutable requirements.

4. When the present Professor was appointed, the Statutes required him to lecture on Lucius Florus or some other ancient historian. The Statute passed in the year 1839 required him to deliver two courses of lectures every year, either on some ancient historians, or on questions connected with Ancient History.

5. Appointment.

5. The Professor is elected by Convocation and for life. The Vice-Chancellor and Proctors have the power of appointing a substitute, "si aliquis per incuriam in legendo defecerit." Tit. iv. sect. ii. § 1.

6. Lectures.

6. The Professor, soon after his election, prepared four courses of lectures, two of a popular character and two otherwise, intending to deliver one course of each kind every year. One course of the latter kind was not sufficiently attended, and he therefore published it. Since that time he has delivered two courses and one course in alternate years.

The number of pupils has varied extremely. The average for the popular lectures has perhaps been about 40, for the others about 10.

No fees.

The Professor has never received any fees.

7. Study of Ancient History.

7. The study of Ancient History in the University is sufficiently provided for, so far as general regulations are concerned, by the Statute requiring examinations for the first degree.

I have the honour to be, Sir,
Your obedient faithful Servant,
EDWARD CARDWELL.*

Rev. A. P. Stanley, &c. &c.

Answers from Sir Henry R. Bishop, Professor of Music.

1. The nature of the endowment, and its present annual value; and whether any other sources of income are attached to it.

Sir H. R. Bishop.

Professorship of Music.

1. Endowment.

It seems that a Professorship of Music at Oxford was founded by *King Alfred,* but "how endowed does not at this distance of time clearly appear."

Hawkins, in his History of Music, says, "It is not to be wondered at, that upon restoring the Muses to their ancient seat at Oxford, he (Alfred the Great) should appoint, amongst the rest of the liberal arts, a *Professor of Music,* as we expressly read he did, in the year 886."

Another musical authority states, that "This Prince (Alfred) not only encouraged the practice of music, but in 886, according to the Annals of the Church of Winchester, founded a Professorship of Music at *Oxford.*"

The degree of *Doctor in Music* is said to have been *first* conferred during the reign of Edward IV. (in 1463), when "*John Hambois* received the title."—*Holinshed's Chronicle,* vol. ii.

It is supposed, however, that degrees in Music are more ancient. Hawkins, on this point, quotes the assertion of a learned writer, who adds, that, "as to the origin of Degrees in the Universities, they seem, from the very nature of them, to be almost, if not quite, as old as the Universities themselves."

In the year 1626, Dr. William Heyther, "being informed that, although there was a Pro-

*** For Dr. Cardwell's Evidence as Principal of St. Alban Hall, *see* Part IV., p. 382.

Sir H. R. Bishop.

Professorship of Music.

fessorship of Music founded by King Alfred, yet the stipend was insufficient to induce any skilful man to become a candidate for the office, proposed in Convocation to found a new Professorship; and this being agreed to, he, by his Deed bearing date 20th February, 2 Charles I., gave to the University FOR EVER an annuity or yearly rent-charge of Sixteen pounds six shillings and eight pence issuing out of divers parcels of land situate within the parish of Chiselhurst, in Kent, whereof *Thirteen pounds six shillings and eightpence* is to constitute the wages of the music-master (or "*Choragus*"), and the other THREE POUNDS is to be given to the *Professor of Music*: unto which three pounds, Dr. Heyther requiring the ancient stipend of *Forty shillings* to be added (which was probably the endowment of King Alfred), *or some other sum equivalent thereunto*; the University thereupon agreed that the old stipend of the Moral Philosophy Professor, which was *Forty-five shillings*, should be bestowed on the Music Professor; and so by that addition he hath *Five pounds five shillings* yearly for his wages." This allowance was further augmented by Nathaniel, Lord Crew, Bishop of Durham; making thereby the *whole* annual stipend of the Professor of Music, as it remains at the present time, THIRTY POUNDS.

The Professor is also entitled to receive a fee of *one guinea* from each Candidate on their being admitted to a Degree in Music.

The office of "*Choragus*," before alluded to, was formerly held by the late Dr. Crotch, in *addition* to the Professorship; but on the appointment of the *present* Professor, those situations were divided; that of the "*Choragus*" having been bestowed on Dr. Elvey.

It is evident that much importance is attached to the honour of being admitted to a Degree in Music at the University. This is proved by the many applications made to the Professor for information as to what is required by the statutes, &c.—applications which frequently lead to a correspondence of considerable length. In some instances nothing further is heard from the Candidate, who, perhaps, either finds himself incompetent, or is unable to incur the expenses of proceeding to a Degree. When, however, the required "Exercise" is sent to the Professor of Music for his approval—and on that approval depends the Candidate's admission to a Degree—the Exercise is sometimes returned for *revision*, or, it may be, is altogether rejected. If, after careful examination, it is approved of, as being in accordance with the Statutes, *the Professor of Music has then to attend, and conduct both a Rehearsal and public Performance* of it in the Music-school, "or some other place" in the University.

The Professor of Music at Oxford has also to be present at the *Annual Commemoration*, and preside at the *Organ* in the Theatre on that occasion.

2. Whether any special qualifications are required by statute in the persons appointed. 2. Qualifications.

If by this is meant the qualifications necessary in a Professor of Music at a University where *Degrees* in Music are granted, I feel some difficulty in answering the question in such a manner as to avoid incurring the imputation of *egotism*. I would, however, beg to remark, that whether "required by statute" or not, it is quite certain that those qualifications must be many, and of a peculiar nature; for, as with regard to the *musical merits* of Candidates, the admission to such Degrees at Oxford depends entirely on *the Professor's testimony* of his approval of the "Exercises" submitted to him, it naturally follows that he must not only be thoroughly qualified for his office, as an acute critic and accomplished musician, but that his *professional character should rank so highly* as to induce men to supplicate for Degrees in Music at the University in which he is the Professor, and to consider the attainment of their object as being a musical honour of a distinguished kind.

It is also the office of the Professor of Music at Oxford "to *compose for* and *conduct* all musical performances ordained by, or connected with, the Academical regulations," such as *Installation Odes*, &c.

3. Whether any Residence, Lecture-room, Library, Apparatus, Collections, &c., are provided for you; if so, whether there are any funds for keeping them up. 3. Lecture-room.

(1.) There is not any *Residence* in the University provided for the Professor of Music.

(2.) The Music-school is the room in which he is entitled to give public lectures.

(3.) It appears that "in the reign of Henry VIII., one Wm. Forrest, a priest, had made a copious collection of the best musical compositions then extant. These, about the end of the reign of James I., came into the hands of Mr. Wm. Heyther, one of the gentlemen of the Royal Chapel, and who, in 1622, was admitted to the Degree of Doctor in Music. On Dr. Heyther's founding the present Professorship at Oxford, he made a donation of the above collection *for the use of the Professor*; and it was accordingly deposited in the *Music-school* of the University, together with a 'harpsichon' and a 'chest of viols,' also the gift of Dr. Heyther."

"All the old instruments and books left by the founder being either 'lost, broken, or embezzled' in the time of the rebellion and usurpation, many members of the University and others, between the years 1665 and 1675, contributed to the re-furnishing the 'publique Musick Schoole with a new organ, harpsecon, violins, &c., and with all sortes of the best authors, in manuscript, for vocall and instrumentall musick, and other necessaryes, to carry on the practicall musick in that place.'"

These books and musical instruments, with the exception of the "harpsichon," still remain in the Music-school; but the instruments are so broken, and otherwise in such a state, as to be wholly useless.

I am not aware that there are any "funds" existing in the University for the "keeping up" the above Library, or apparatus. It has been stated, that "out of the *Music-master's*," that is, the *Choragus*' "wages, he is to *repair the instruments and find strings*;" but it surely cannot be reasonably expected that out of such wages, namely, 13*l.* 6*s.* 8*d.*, it would be possible for the *Choragus* to do so; and indeed to repair the *organ* effectually, the only mode that I know of would be to provide a new one.

Sir H. R. Bishop.

4. Whether there are any Statutes requiring the performance of specific duties, and whether those duties are such as could not profitably be now enforced.

Professorship of Music.

4. Statutable requirements.

By the Statutes of the University of Oxford, it is required of every proceeder to the degree of Bachelor in Music, that he should have employed "seven years in the study or practice of that faculty; and that previous to his supplication for his grace towards this degree, he compose a 'Song' (Ode) or Anthem, in *Five Vocal Parts*, with instrumental accompaniments; which Exercise he is to submit to the inspection of the Musical Professor, and, if by him approved, to have "performed publicly in the Music-school." Of a Bachelor proceeding to the degree of *Doctor*, it is required that he shall have "studied Music for five years after he has taken his Bachelor's degree; and that he compose a 'Song' (Ode) or Anthem, in *Six or Eight Parts* and, if approved by the Professor, shall cause the same to be performed, as before prescribed, '*tam vocibus quam instrumentis etiam musicis.*' Such Exercises *to be performed in the presence of Dr. Heyther's Professor of Music.*"

Although the Professor is "entitled to give public lectures," I do not think that to treat of Music *merely* as a speculative science—as it was at one period exclusively considered—to explain the "ratio of intervals, and the philosophy of sound," and to "expound certain books in *Boethius*," would be suitable to the spirit of the present age. Lectures on Music should be on a "broader principle;" that is, they should comprehend the development and history, both ancient and modern, of the Musical Art, and in order to render them of *musical*, as well at historical interest, they should be assisted by vocal and, perhaps, instrumental *illustrations*. These illustrations, however, would entail *expenses*, which must be defrayed by the *Professor*. It may be urged, that such expenses might be defrayed by *Fees*. I doubt this. At the same time, though I am of opinion that it was *the intention of the founder of the Professorship* that lectures, if given, should be given to the public *gratuitously*, I have, nevertheless, ever since I had the honour to be elected, hoped for the opportunity of being able to ascertain whether *Fees* would be sufficiently productive to pay for the illustrations alluded to. Such an opportunity I anxiously hope for ere long: that it has not hitherto occurred has been owing, partly to frequent illness, and, I have no hesitation in saying, to the *absolute necessity* of my attending to those *other* sources of my professional income, by means of which I live, and have to meet the claims on me of a young family.

5 Appointment.

5. The mode of appointment to your office; whether it is held for life, or for a term of years, and whether the person holding it is removable.

The right of electing the Professor of Music is vested in *the two Proctors.*

The office is not held for life, nor for a term of years. The late Dr. Crotch, however, held it until his decease, having then been in the Professorship during *fifty years;* though, as I believe, no formal re-election to it ever took place.

The "*Choragus*" (an office also held by Dr. Crotch, but now by Dr. Elvey) is appointed by the "Vice-Chancellor, the Dean of Christ Church, the President of Magdalen College, the Warden of New College, and the President of St. John's."

The latter part of my remarks in Section 4 are the only answer that can *at present* be offered to the questions proposed in Section 6.

7. State of Musical study.

7. The general condition in the University of the branch of study to which your Professorship relates, and the means of promoting its advancement.

Amongst other means for the advancement of the study of music, I know of none more important, more worthy to be seriously considered, than the establishment of a distinct *Library of Music*, which, from its completeness and classification, should comprise a perfect history of the progress of the musical art. It is true, that copies of all musical publications, printed in *this country*, are, according to Act of Parliament, deposited in the Bodleian, the British Museum, &c.; but to render a library of music complete, and make it really useful to students, all superior *foreign* musical works, both theoretical and practical, of every school and of every age, should be added to the collection; which should then, also, be made *easily accessible* to *whoever* is inclined to improve his knowledge in music, whether he be a Member of the University or not.

The formation of such a library, either in the Bodleian or elsewhere in the University of Oxford, is by no means impossible. The Bodleian is already the repository of a valuable collection of ancient musical manuscripts, which might be made a foundation to proceed upon: and when once it became generally known that a library of that peculiar description was actually commenced, I feel confident that not only from time to time it would be materially increased by *donations* of classical music, but that, in case a small annual grant for the purpose from the University itself should be objected to, a public *subscription* would be made towards the accomplishment of the desired end.

With the exception of *Munich* and *Vienna*, there is no such *classified* and *historical* collection of music existing in all Europe. In the seventeenth century the library of the Music-school was restored by a subscription of Members of the University and others; and we may at least *hope* that in the *present* century, when music, both as an art and a science, is so much more generally cultivated, pecuniary aid would not be found wanting for the establishment of a library that would alike be honourable to the University and to the nation, and would be so eminently calculated to promote the advancement of musical erudition.

HENRY R. BISHOP, Knt.,
E. Coll. Mag. Prof. of Music, Oxon.

To Her Majesty's Commissioners for the University of Oxford.

* *Answers from Charles Daubeny, D.C.L., Professor of Chemistry and of Botany.*

C. Daubeny, Esq., D.C.L.

Professorship of Chemistry.

With respect to the questions relating to the appointments in the University, held by myself, I may reply generally: That the clear income which they collectively afford me averages less than 400*l.* a-year.

1. Endowment.

But in order to reconcile this statement with the particulars given below, account must be taken of the expenses necessarily incurred by a Professor of Chemistry in Lectures and Experiments, and likewise of the sums I have been induced annually to expend upon the Botanic Garden, in order to place that Establishment on a more creditable footing.

With regard to the Professorship of Chemistry in particular, I may state, that it derives its emoluments chiefly from two sources, viz., the annual sum of 124*l.* 15*s.* (deducting income tax), bequeathed in 1802 by Dr. Aldrich, and a further sum of 97*l.* 1*s.* 8*d.* (income-tax deducted), granted by Parliament, making in all a clear income of 221*l.* 16*s.* 8*d.*

There is also in general a small sum received annually as fees from Pupils.

The deductions to be made from this calculation of Income will be stated under another head.

2. Qualifications.

2. Whether any special qualifications are required by statute in the persons appointed.

It would seem from the terms of Dr. Aldrich's Will that this Professorship is perfectly open to any person whatsoever whom the University might think fit to elect.

Although it has hitherto been always conferred upon a Medical Graduate of the University of Oxford, there seems no provision in the original bequest for any such limitation.

3. Residence, Lecture-room, &c.

3. Whether any Residence, Lecture-room, Library, Apparatus, Collections, &c., are provided for you; if so, whether there are any funds for keeping them up.

There is a suite of rooms underneath the Ashmolean Museum, which have for many years past been set apart for the use of the Professor of Chemistry; and in order to render them better adapted for a residence, considerable additions were made to them by myself during the period of my occupancy.

The rooms, however, are damp and gloomy, so as to be ill suited for the purposes to which they are appropriated.

There is no fund for books, for apparatus, or for the heavy expenses incidental upon a Course of Experimental Chemistry; neither is there any allowance for an Assistant, an indispensable requisite to every Chemical Lecturer; so that, after calculating the deductions to be made from the income in order to provide these desiderata, it may be safely estimated that out of the 240*l.*, or 250*l.* which may be regarded as the average value of the Chair of Chemistry, not more than about 100*l.* goes into the pocket of the Professor.

4. Statutable requirements.

4. Whether there are any Statutes requiring the performance of specific duties; and whether those duties are such as could not profitably be now enforced.

The will of Dr. Aldrich directs that a course of Lectures on Chemistry shall be delivered annually, but he does not specify the number to be given.

5. Appointment.

5. The mode of appointment to your office; whether it is held for life, or for a term of years, and whether the person holding it is removable.

The appointment is vested in Convocation, and is held for life.

6. Lectures.

6. The nature and number of Lectures usually delivered in each year, the average number of pupils attending, and the fee paid by each pupil.

I began by giving about 40 lectures, but finding the Pupils generally unwilling to attend so many, have reduced the number latterly to 24 or 22.

The number of Pupils, including both Gownsmen and Townsmen, averaged from the years 1822 to 1830, 31 per annum; from 1831 to 1838, 16 per annum; from 1838 to the present time, only 12; so that there has been a gradual decrease, as, indeed, from a paper which I circulated in the University some time ago, appears to have been the case with respect to all the Lectures connected with Physical Science.

Fees.

The present fee for attendance is 2*l.* 2*s.* for the first and second courses.

Professorship of Botany.

Professorship of Botany.

1. The nature of the Endowment, and its present annual value; and whether any other sources of income are attached to it.
2. Whether any special qualifications are required by statute in the persons appointed.

1. Endowment.

With respect to the Professorship of Botany, which was bestowed upon me some years after I obtained that of Chemistry, it may be stated, that its endowment also arises chiefly from two sources, viz., the interest of a sum of money bequeathed by Consul Sherard, for the purpose of founding the Professorship which bears his name, amounting, after payment of income-tax, to 78*l.* 3*s.* 0*d.*; and the clear sum of 97*l.* 1*s.* 8*d.* annually granted by Parliament, together making 175*l.* 4*s.* 8*d.*

The Professor likewise, if he does not practise Medicine, is entitled to 200*l.* annually for Lectures on Rural Economy, conformably to the will of the late Professor John Sibthorp.

2. Qualifications.

The person elected to fill the office of Professor of Botany must have at least attained the degree of M.A. in the University of Oxford, and be entered in the Physic line before the

* For Professor Daubeny's general Evidence, *see* Part I. p. 14.

C. Daubeny Esq., D.C.L.

vacancy occurs, unless the Foundation he is upon should require him to be on the Law line, in which case he may be chosen, "if he has always made Medicine his study, and be in an eminent degree Master of Botany and that kind of knowledge."

Professorship of Botany.

3. Residence, Lecture-room, &c.

3. Whether any Residence, Lecture-room, Library, Apparatus, Collections, &c., are provided for you; if so, whether there are funds for keeping them up.

A residence for the Professor has been erected within the last ten years, and in this is deposited a good library of works on Botany, &c., bequeathed to the establishment by Sherard, Sibthorp, and other benefactors.

Herbarium.

There is also a large Herbarium, and an endowment for keeping up the Garden and Conservatories, which, however, owing principally to the neglected state in which the Garden came into my hands, has never yet proved adequate to meet the current expenses.

4. Statutable requirements.

4. Whether there are any Statutes requiring the performance of specific duties; and whether those duties are such as could not profitably be now enforced.

The Professor of Botany is required to deliver a Course of Lectures once a year.

5. Appointment.

5. The mode of appointment to your office; whether it is held for life, or for a term of years, and whether the person holding it is removable.

The Professor of Botany is appointed by the Fellows of the College of Physicians in London, and the office is held for life, so long at least as he is capable of fulfilling the duties of his office.

6. Lectures.

6. The nature and number of Lectures usually delivered in each year; the average number of pupils attending, and the fee paid by each pupil.

I have usually delivered each year a Course on Vegetable Physiology and Systematic Botany, consisting of from 12 to 18 Lectures. The number of pupils has averaged and the fee for attendance is 1*l.* 1*s.* for the first and second Courses.

7. State of the study of Physical science.

7. The general condition in the University of the branch of study to which your Professorship relates, and the means of promoting its advancement.

It is evident from the above statement of facts relative to the two Professorships which I hold, that little attention has hitherto been paid by residents in this University to either of the Natural Sciences which belong to my Department; nor will it be a matter of surprise when we recollect that whilst eminent attainments in some other branches of knowledge are highly rewarded, the Physical Sciences have, up to the time of the passing of the late Statute, not only not been made passports to honour and emolument, but been almost in a manner ignored in our Academical system.

I might perhaps be able to suggest certain means of encouragement, which still admit of being introduced, but deem it at present premature to discuss them, until the effect of the late alterations in our system has been fairly tested.

H.H. Vaughan, Esq. M.A.

*Answers from H. H. Vaughan, Esq., M.A., Regius Professor of Modern History.**

Professorship of Modern History.

1. The nature of the Endowment—its present Annual Value, whether any other sources of Income are attached to it?

Endowment.

The endowment *was* a payment made from the Royal Exchequer of 400*l.* a-year, to be paid in two half-yearly payments at the Exchequer. The value of late years has been 371*l.*, from which were deducted the sums of 21*l.* to a German master and 21*l.* to an Italian master. Within the last seven years only 21*l.* has been deducted, owing to the death of the German master; and within the last year nothing has been actually deducted, owing to the resignation of the Italian master. More full information is given on this point in answer to Question No. IV.

No other sources of income are attached to it.

2. Whether any special qualifications are required by Statute, in the person appointed to the Professorship?

Qualifications.

The only qualifications required by the Statutes of the Foundation in the person appointed, are,—that he shall have taken the degree of Master of Arts, or Bachelor of Laws, or some higher degree in the University of Oxford. See Answer to No. IV.

3. Whether any Residence, Lecture-room, or Library are provided for me, if so, whether there are any Funds to maintain them?

No Residence nor Library is provided. Some inconvenience and expense are incurred by both those omissions. There is probably no branch of learning which requires so large a collection of expensive works as Modern History, very few of which can be found in private libraries, or can be collected otherwise than at great expense. The purchase of a few works annually seriously diminishes the Professorial income. I think that by an arrangement connected with the management of the Bodleian Library, this difficulty might be met. It seems to have been the original plan of that great Institution, that it should be superintended by the chief Professors of the University. The Regius Professors of Divinity, Civil Law, and Medicine, and Hebrew, are Curators; probably because at the time of its foundation these were the only endowed Professorships of the University. But

The Bodleian Library.

To be placed under the superintendence of Professors.

* For Professor Vaughan's general Evidence, *see* Part I., p. 82.

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Professorship of Modern History.

in truth the only method by which the purchase of books on so vast a scale, in a library which should embrace so many branches of literature and science, can be satisfactorily effected, is through superintendence of men respectively well acquainted with the literature of each great subject. No man can judge the real value as distinct from the market value of a work but one thoroughly conversant with the subject of which it treats, and it is the real value rather than the market value of a book which entitles it to a place in a great public library. The librarian or the book merchant may know the one—the student and man of science only can appreciate the other. Catalogues and even Reviews cannot furnish information to be relied upon. In this way, then, only can the value of works be truly estimated, and the several kinds of books be obtained without undue favour or disfavour to any line of reading. The appointment of the Regius Professors in the three faculties indicates this to have been the true spirit of the original institution. Since the foundation, large sums have been bequeathed to the Library for its maintenance and extension, and it has outgrown the care of so small a Committee, representing so limited a number of sciences. It would be well that many more Professors should be admitted to the superintendence, and that the Professors of History should be amongst these. Indeed it seems most probable that the Regius Professor of Modern History is omitted, simply because that functionary did not exist when the Foundation and its Rulers were established, and when the existing Regius Professors were appointed its Curators. This arrangement, I think, indispensable to the full and symmetrical growth of that noble Institution. But I also suggest, that a provision might be made for aiding those Professors in their studies who must depend entirely upon books for the investigation of their subject. Either some reading-room should be provided for them in connexion with the Bodleian Library, or they should be permitted, under proper restrictions, to take books home to their houses and lodgings. For this last method a precedent has been established in the case of the Anglo-Saxon Professor. A considerable donation of Anglo-Saxon works was made to the Bodleian Library by a benefactor of that Institution, on the express condition that the Professor of Anglo-Saxon should be at liberty to take them out as often as he might require to do so. In the course of this present year, the curators of the Taylor Institution Library, of whom I am one, have laid down a rule permitting the Taylor Professor of Modern European languages to take out books to his home, under certain conditions, such as those I shall describe hereafter. From my experience of similar Institutions, I am not inclined to approve the expedient of turning the Bodleian Library into a lending library for the whole University. Such a promiscuous and extensive liberty would upon the whole, I think, tend to defeat the great objects of such an Institution. It is not an uncommon habit of general readers, who take books out of lending libraries, to defer or interrupt the perusal of them, and to retain them some time after they have abandoned serious intention of studying their contents. But, under any circumstances, the permission to all Masters of Arts to make use of the Library in this way might so materially diminish the number of books on the shelves, that constant disappointment would be felt by those resorting to that library in order to read and consult; and even those who desired to exercise their privilege of taking the books away, would very often find their claim anticipated and nullified by others. However desirable, therefore, it may be in some points of view to give to all a privilege of this description, yet with so many claimants for the exercise of it, each might, I think, be found to lose as much as he would gain. I speak after some experience of lending libraries. But, with a limited number of persons, the same result need not be apprehended; and in the case of this limited number it might be practicable to lend on such conditions as would secure the appearance of any volume which the necessities of others might call for. Now we have within the University a class of men from whom knowledge at first hand is required, who have a special branch of learning devolved upon them, the cultivation of which, in some instances, can be carried on by means of books only, and for whom the University has provided no means of supplying themselves with the raw material of their work. Straw should be furnished as well as clay for such labourers in the great work of academical edification. Each Professor, then, I think, might be empowered to take out works in the prosecution of his studies from the Bodleian. It might be attached as a condition—first, that no book should ever be taken out of Oxford during the Term; and, secondly, that each book so taken out should, on due notice from any member of the University requiring the use of it, be returned to the Bodleian for the purpose of reference and consultation for a certain time. This last arrangement could easily be carried into effect, inasmuch as from the department of each Professor being well known, and from his residence also being generally known, it would be very easy, with the aid of an entry book, to ascertain with which Professor the book might be, and where he was to be found. The general position and duties of the Professor surely would go far to rescue this privilege from any invidious appearance; and it would be further justified by the relation of the Professors to the Library itself, of which they would be unpaid Curators. But whether this scheme be approved or not, I would still suggest that the Bodleian Library should be more completely furnished with means for entertaining readers than its present arrangements secure or permit. The reading-rooms are not, I think, quite sufficiently commodious, and the reading hours are not sufficiently numerous. I know from experience that prompt, full, and kind attention is given by the Librarian and all his officers to one desirous of using the Library. But the tables, the chairs, the writing materials, and such appurtenances, are not in harmony with the age in which we live, nor are they on a level with the similar provisions in clubs and other great libraries. The present large rooms themselves might perhaps be more completely furnished with good chairs, tables, and inkstands, so arranged as to permit a reasonable

Books not to be taken out

except by the Professors.

Better accommodation needed.

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Professorship of Modern History.

privacy to each person reading, noting, or writing. More rooms, too, might be opened and applied to this purpose, and such enlargement of space might, to prevent confusion, if it were thought needful, be assigned to different grades of University life; there might be places appointed for Undergraduates, Bachelors, and Masters, as a similar distribution of space is made in all College Halls. On these details I will not dwell, because there can be no real difficulty in adjusting them, provided there be rooms within the building which can be used for that purpose, and this I do not doubt. In the second place, the reading hours are not sufficiently numerous. The Library closes at four in summer, at three in winter. It is clear to any one who knows the habits of Oxford, that it should, if possible, be open in the evening. The fear of fire might be perhaps avoided in winter, 1st, by only opening the remoter rooms at night; 2nd, by making general use of lights, the management of which would require little risk; and, 3rd, by furnishing the officials, who would fetch books from the shelves, with lamps of proper construction; 4th, manuscripts, and unique and precious books, not admitting of replacement, might be secured in a fire-proof chamber, or other similar place of deposit; 5th, the rest might be insured. I am aware that all this would increase the expense of the establishment, but its funds are very large, and it is as much a direct object of the Library that good books should be read as that they should be purchased. Indeed I hope that it is not too theoretical to say that they are purchased in order that they may be read. I repeat, however—to come back to the question—that at present no Library is furnished. No Lecture-room is furnished, but by the leave of the Curators of the Taylor Institution, the Lecture-room in that building is at present used by the Regius Professor of Modern History. The room is good. The situation is not central, but in the outskirts of the University. On the whole, the Regius Professor of Modern History is comparatively well off on this last point.

Lecture-room.

4. Whether there are any Statutes requiring specific Duties, and whether those Duties are such as could not now be profitably enforced?

I will answer this question directly and summarily in the first instance, and I will subsequently explain my answer.

Statutes of King George I.

There are statutes contained in the Deed of Foundation under the Great Seal bearing date the 11th year of George I. These statutes require the Vice-Chancellor to receive the Professor's written appointment (made by the Crown and presented by the Professor), and to administer to him an oath that he will perform his duties, and instantly to admit him to the Professorship. The Professor is to lecture once every term, and for this to receive no fee from twenty King's Scholars who shall be nominated by the Crown, and who are to attend the lectures in a special manner: other members of the University may attend on the same conditions which are attached to their attendance on other Professors in the University. For these King's scholars the Professor is also to provide two language-masters, who are to give them instruction gratis. And he is to report annually to the Crown the state of the twenty scholars, in order that the idle may be removed, and the diligent rewarded by some public employment, either at home or abroad, as opportunity may offer.

The oath has (in deference to the feelings of the age on this subject) not been administered. The King's scholars have not been appointed. The language-masters have been provided, and a small stipend given to them to induce them to maintain their residence in the University. Upon the whole, I am of opinion that the statutes which have dropt out of use could not now be enforced with advantage. The oath is perhaps out of harmony with the feeling of the age. The nomination of certain Scholars appointed by the Crown to enjoy certain advantages in respect of the study of modern history and languages is an awkward and an unnecessary provision. The days of nomination Scholars have passed away; Scholars are selected, on good serviceable foundations—for their attainments. The Crown can know nothing of the comparative merits of a few obscure students, fresh from school or private Tutors, and the special advantages of the attendance on language-masters and Modern History Professor gratis, have, since the foundation of the Taylor Institution—which provides gratuitous instruction to all—become so small that none would seriously compete for such a benefit. Bonâ fide appointment to official occupations by the Crown would indeed still be an inducement, but such a privilege should be, under any circumstances, awarded after the close of the University career, and it should be given to any members of the University who would compete for it, without restriction to a few King's Scholars, and it should be attended with such chances of future advancement as might attract the best men of the University. The appointment of language-masters would be, since the foundation of the Taylor Institution, a mere clog on the Professorship—diminishing the income and doing benefit to none.

Having thus stated the general effect and substance of the existing Statutes, I will proceed more at length to give, first, an abstract of the original Statutes, and then a summary of certain other regulations purporting to prescribe professorial duties, together with an account of the legal position which these last have been deemed, and are still entitled, to hold in relation to the Professor and the University. The following is an abstract of the letters patent creating its Professorship:—

"Since the Universities were founded for the benefit of the Church and the State, and "since the service of the State now requires that the knowledge of modern history and "modern languages should be cultivated, inasmuch as the national welfare depends consider-"ably upon its treaties,—hereby is constituted the office of Professor of Modern History "'munus sive officium Professoris in Modernâ Historiâ.'"

"The Professor is to be a man commendable for discretion and good manners—"honestate

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" morum et prudentiâ laudabilis"—and must have taken the degree of Master of Arts or " Bachelor of Laws, or some higher degree in the University of Oxford. He is to be styled " Regius Professor of Modern History. He is to be appointed by an instrument under the " Sign Manual, which he is to present to the Vice-Chancellor, who shall put the required " oath to him, and instantly admit him to the office of Professor. The oath is to the effect " that he will observe all the ordinances and statutes concerning his duty and office, (omnes " ordinationes et statuta munus et officium meum concernentia). The Regius Professor " is to receive as salary (stipendii loco) at the Exchequer 400*l.* by half-yearly payments. " Twenty Scholars are to be appointed and removed by the King's Sign Manual; these are " to be taught modern languages without any charge, by two Masters, whom the Professor " of Modern History shall nominate and pay. No one is to be eligible as a scholar until he " shall have completed two years from the time of his matriculation in the University, and " he is thenceforth to continue in the study of modern history and the modern languages. " 'Our' Professor is to give one public lecture in each term to these twenty Scholars, and to " any others who may be present. All save the twenty scholars are to attend the said lec- " tures of 'Our' Professor in Modern History, in the same manner and according to the same " rules as affect their attendance upon other public lectures in our University (intersint " dictis Professoris nostri in Modernâ Historiâ Prælectionibus eo modo et secundum easdem " regulas quibus aliis prælectionibus publicis in academiâ nostrâ prædictâ adesse tenentur). " The Professor is to commence his lectures with an historical account of the best historical " works. The twenty Scholars so appointed as aforesaid are to attend the Professor from " his rooms to the schools when he lectures, and from the schools to his rooms again. If the " Professor omit to lecture once in each term, he becomes subject to the penalties which " other Professors incur in the like case. Each Scholar is to learn two languages at least. " 'Our' Professor is to report annually the state of the twenty Scholars in order that the " idle may be removed, and the diligent rewarded by some public employment either at " home or abroad, according as opportunity may offer."

The foregoing are the Statutes by which the Professorship is to be regulated. But a right is reserved to the Crown to change or explain them by an instrument "manu nostrâ Regiâ sigilloque Regis quod vocatur—le privy signet munitum," or to add to the Statutes in the same way.

Regulations delivered by the Secretary of State.

The creation of this Professorship was renewed by George II. in the first year of his reign. These laws, it seems, are still in full force, but it has been usual for the Secretary of State to deliver a set of rules and regulations to each Professor, on his appointment, written on paper, signed by such Secretary of State, and, therefore, not answering the description of instrument by which the Crown reserved to itself the right of framing and recording new rules in explanation and amendment of the old.

This question was raised on the appointment of my distinguished predecessor Dr. Arnold, and it would seem from the tenor of his correspondence, from the practical course which he adopted in respect to the duties of his office, and which he announced beforehand in his familiar letters, that the new regulations in question were considered by him and those who investigated the matter for him, not to be binding.

The provisions embodied in these regulations are as follows:—

The Professor shall reside three months in each year in the University, and shall for each night's absence beyond nine months, forfeit the sum of 1*l.*

He shall deliver a solemn lecture on the Thursday in the second week of each term, and for every default he shall forfeit the sum of 10*l.* He shall once a-year, that is, in the October term, or in the Lent term, deliver a course of twenty lectures, not giving more than three lectures in each week: no greater sum than one guinea is to be charged for the course, and if he omit the course altogether, he shall forfeit 100*l.* out of his yearly salary; but if he omit the course for two years together, he shall forfeit his whole stipend for that year; and to give effect to this regulation, the stipend is not to be paid without the Vice-Chancellor's certificate. All the forfeitures so made shall be received by the Vice-Chancellor, who is to account for the same to the Delegates of Accounts, and the money so received is to be laid out in purchasing 100*l.* stock in consols, to be applied solely to the increase of the Professor's stipend, in order to cover the depreciation of the value of money as time goes forward. The subject of his lectures may be: 1st. The method of studying Modern History; 2nd. Political Economy; 3rd. Political Biography; 4th. International Law.

Objections of Dr. Arnold to these regulations.

Dr. Arnold's main objection to these new Statutes was the kind of exertion therein required from the Professor, in exacting from him 20 lectures in the course of the year. In a letter published in "Stanley's Life of Arnold," and addressed to Dr. Hawkins by Dr. Arnold shortly after his appointment, he thus expresses himself upon the subject of these Statutes:—"The matter lies in a short compass: the present regulations could not be observed without injury to the University. If I were resident altogether, and had nothing to do with Rugby, 20 lectures a-year, if they are to be such as a Professor of History in Oxford ought to give, cannot be prepared in a year. I could give 50 on the other hand, or any number which might be required, if I made my course an abridgment of all modern history, &c., &c. my object would be to give eight lectures every year like: Guizot on French History, for the history, chiefly the Internal History of England," &c. He also objects to the practice of taking any oath not required from other Professors: on these points he says in another letter,—"I think I may ask the sanction of the University authorities for an application to the Government about the regulations, to have them altered as regards the number of lectures; and I think also to take away the oath if such a thing be not required of the other Professors." It appears that no change was ever made upon this subject, owing, apparently, to the discovery that the obnoxious regulations were not bind-

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ing on the Professor. In speaking of the result of this determination, his biographer says, that, "the oath which he had refused to take, as incompatible with a sense of his duties as Professor, was found to be no part of the original Institution." The skilful and eloquent author of his life has clearly fallen into a natural mistake upon this subject, owing to the fact of his not possessing a copy of the original statutes. The oath, as it is seen, is a part of the original Institution, but the requirements of 20 lectures is not, and Dr. Arnold therefore appealed to the original Institution, not as protecting him against the oath, but as exempting him from the necessity of giving 20 lectures, when the original foundation had prescribed only four as necessary: indeed it appears also from his own language, that his chief objection did not lie against the oath, when he says "I shall ask the sanction of the University, &c., to have the regulations altered as regards the number of lectures; and I think, also, to take away the oath." I conclude, therefore, from the nature of the thing, and from the expressed and implied results of the inquiries made by Dr. Arnold, that the latter regulations are not obligatory on the Professor. I would draw attention to the circumstance that these latter regulations appear to drop the particular subject of the Professorship of modern history very much out of sight, and substitute for it political economy and political biography, and international law, and give, as an alternative with these, lectures on the method of studying modern history. It is also clear that these regulations have not been acted upon, that no money has been accumulated, and that for the omission to carry out its provisions no forfeitures have ever been made.

I will now, therefore, return to the Statues of the original foundation.

Deviation from the Statutes of King George I.

The Crown has not appointed, at any rate for many years, any Scholars to attend the Professor's four lectures, and to receive instruction from the Masters of Modern Languages. The whole superstructure, resting upon this appointment by the Crown, of scholars has fallen, if it ever was actually raised, except that provision which requires the nomination of two masters. It has been the custom for the Regius Professor till within a recent period, to nominate a teacher of German, and a teacher of Italian, and to pay each the sum of 21*l.* odd shillings, annually, to reside in the University, and take pupils on moderate terms. The sum of 21*l.* has been paid instead of 25*l.*, apparently because the salary of the Professor himself has been in practice diminished from 400*l.* to 370*l.* In this way the proportions between the Regius Professor's salary and the Regius Professor's payments have been preserved. During the tenure of office by my predecessor, the late Dr. Cramer, Dean of Carlisle, a munificent Institution was founded and brought into operation in the University, called the Taylor Institution. Funds supplied by the will of Mr. Taylor have been applied to the erection of a building, library, and lecture-rooms, to the endowing a Professorship, and paying subordinate teachers of the modern European languages. This foundation virtually superseded the necessity of providing for the residence of Language Masters at Oxford. Therefore, at the death of Mr. Bramsen, one of the teachers appointed to teach German in Oxford by the Regius Professor of Modern History, the very Reverend Professor made no fresh appointment, but continued to pay Mr. Cardi, the other teacher, the sum of 21*l.*, as before. On my appointment to the Professorship, I continued Dr. Cardi in his post. But in March, 1850, he wrote to me a letter, saying, to use his own words, that "his profession having ceased to decline, and now lying quite prostrate," he was desirous of giving up his appointment forthwith. It would appear, therefore, that the Taylor Foundation had had the effect of entirely superseding the teachers appointed by the Regius Professor. I forbore to appoint another to a post which he had quitted avowedly because it had become useless to him and the University. I was not aware at this time that the appointment of such teachers had originated under and with the first foundation of the Regius Professorship of Modern History; but it appears from the language of the Regulations, and the allusion therein made to the actual practice of providing 25*l.* for each of the masters, that this arrangement has been the constant habit from the foundation of the Professorship. It appears, therefore, that although the Crown has not thought necessary to nominate any Scholar, for whom alone the provision of Language Masters was to be made by the Regius Professors, and although all the other arrangements based upon the supposition of their being so appointed have fallen to the ground, yet the scheme in respect of the Masters has been carried out by the Professors in the manner described for the benefit the University. It is unnecessary for many reasons, perhaps, to consider how far in past times the provisions thus made for the instruction in languages have corresponded to the importance assigned to such a purpose in the foundation-deed; but on behalf of those eminent men who have preceded me, and who have established or confirmed the course of practice now traditionary and prevailing hitherto, I would take leave to make one or two observations. First, the main object of the foundation is stated in the preamble of the deed to be met by the appointment of a Professor of Modern History. In the second place, the Professor of Modern History is constituted to perform certain duties towards a special class of students, to be called into existence by an act of the Crown, and certain duties also towards all the students of the University. The duties of giving lectures in modern history are both special and general; some have regard to the King's Scholars, as that of receiving from such no fee; while others, as that of the delivery of lectures themselves, are prescribed for the benefit of all academical students. The duties connected with the teaching of languages are of *the former special and confined nature, and were to be performed simply for the benefit of the Crown's nominee Scholars, and of no others.* The Professor, it is stated, is to provide two language teachers for them. Now, the Crown has not, within living memory, if at all, appointed such scholars, and therefore the class for whose behoof the provision was contemplated has never come into existence. Under such circumstances it is not easy to see how any breach of trust could have been imputed to those who have

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moulded and handed down the customs of this professorship in past times, if they had never appointed any Teachers at all. Under the present circumstances of the University, it is submitted that all such provision is quite unadvisable. There is already in the University a Professor of modern languages, and, under him, are two teachers with a stipend of 150*l.* each, whose duty it is to give practical lessons gratis to all members of the University. The diminution of the salary of the Regius Professor of Modern History, which, without any deductions, amounts to 371*l.*, must operate detrimentally upon the interests of that branch of learning in the University, while little corresponding benefit would be secured to linguistic studies otherwise and more efficiently provided for.

Deviation from the regulations of the Secretary of State

This seems to be the actual state of the case with respect to the Statutes of the Professorship requiring specific duties on the part of the Professor. In the one original and valid set of Statutes, four lectures only are required from the Professor. In the Regulations which I have shown to have been subsequent, disputed, and apparently invalid, twenty lectures were exacted, though not upon modern history, from the Regius Professor of that learning. I am invited also by your questions to answer also upon the expediency of enforcing such Statutes now. I shall not, therefore, permit myself to consider whether the words of a Professor, spoken in apparent deprecation of rigid rules exacting from him a large and definite number of lectures, might be received with more distrust than his opinion on any other point connected with his office; and the less so, because an attempt, at least in the case of this Professorship, has already, it appears, been once made to remodel the easier and more liberal provisions of the first foundation. I would draw attention, first, to the language of Dr. Arnold, which I have already quoted—uttered, indeed, by him while opening his professorial career—but which, as coming from one who not merely through his own great merits—but from the number of his pupils—the conciliating and elevating effect of death, and the interpretations of an eloquent and devoted biographer, are sure to meet with respectful, intelligent, and sympathetic construction. He gives a few good reasons for his decided opinion. I will not enumerate all my reasons for taking the same view; but I will suggest one or two considerations of importance which bear upon the subject, and will, I believe, tend to show that any attempt to ensure vital and efficient discharge of professorial duties by special enactment to lecture at length, is a delicate task, very questionable in its effects.

Reasons of Dr. Arnold for such deviation.

Certain subjects are such as can be taught only by demonstration, experiments, and specimens; such are the natural and experimental sciences: all, therefore, who learn, must receive their instruction through those public Professors who command the use of theatres, apparatus, and musea, collections, and gardens; but with history and the moral sciences, the case is different. Much here may be learned through books, and to these, assisted by the superintendence of public or private tutors, the student may in great measure resort for the details of his instruction in the present age. Again, even amongst these branches of learning, distinctions may be drawn: some of the moral subjects are purely scientific, such as mental philosophy, mathematics, political economy, and law; while others, such as history, are unscientific, and must be considered for the present and in the main as knowledge of particular events and conditions. The former class in this last division consists of a certain number of principles which should be taught and explained dogmatically. In a given number of lectures these principles may perhaps be developed, and, so far, the subject concluded. But even here, again, distinction should be descried and kept in view. In some of these sciences the truths are settled indisputably, as in mathematics; in others, again, they are not altogether, but only for the most part, determined and agreed upon, as in positive and special systems of law; in others, again, the maxims and principles are in part fixed and in part disputed, as in political economy, international law, civil jurisprudence, and morals; in others, again, as in the highest department of mental philosophy, sure as we may be of the existence and universal control of laws, yet there is still a region and mass of phenomena which have not yet been so assigned to general principles as that the learned world has universally accepted such distribution. Were we dealing, therefore, with the scientific branch of the moral studies only, we should be bound to acknowledge great differences in this respect. All these subjects may be handled, and indeed should be handled, by their respective professors in a different manner, and in accordance with these different conditions; and the public duties of a Professor, the time which he apportions between investigation and teaching, and the general style of his teaching, may, in good reason, differ according to the peculiar character of his science in this respect.

Lectures on History.

But from all these sciences, again, as I said, history is distinguished in its very nature. It is, speaking generally, a boundless field of details. It seems impossible to exhaust the history of any one country; and in respect to each country, the work of the Professor must vary in harmony with the different character of the facts, the different richness and number of the documents, the more or less perfect state of the historical literature. If lectures are carefully composed by judicious selections from a great number of existing authors, they may be well fewer in number than if they were more directly compiled from some one or two trusted authorities; and if, further, they are drawn from no modern author, but are the result of the original and contemporary authorities, sifted, compared, contrasted, and harmonised, so many can not be expected as if they were put carefully together from many modern writers. But if, in addition to professed historians and chroniclers, and memoir writers, &c., all the other floating and detached monuments of the time are scrutinised for the collection of such scattered rays of light as may illustrate the period in laws, letters, charters, treaties, homilies, poets, &c., the actual amount of writing and composition which is the visible fruit of so much labour may reasonably be still further diminished in quantity

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as the toil required is greater. If, again, a Professor deliver lectures upon a period which has already been investigated, narrated, and discussed, his work admits not of direct comparison with that of one writing an obscure untreated period, of which the raw material has to be discovered and wrought. I have said nothing about the different styles which may be adapted, whether of detail on the one hand, or of general surveys and generalization on the other, the choice of which must necessarily affect the length of the composition in which they are severally expressed. I have only mentioned one single feature amongst the many by which the labour of the different Professors in different branches of science and history in composing the same number of lectures may be rendered widely and totally different in its amount. On these and other accounts I think it must appear clearly that to oblige all Professors to a given number of lectures (unless it be a minimum quantity) can never be other than an unsatisfactory contrivance for ensuring the performance of their duties, inasmuch as it will ignore all the vast differences of subject, research, reflexion, and general treatment, which must disclose themselves in the labours of the several Professors. And however this may to a certain degree be necessary in those Universities where all the instruction is given by Professors, yet the position of Oxford is materially different so long as we preserve all parts of our present system. It has been the result of the foundation of collegiate institutions that we have Tutors as well as Professors. In another place I have suggested a scheme through which it might be in our power, if it is thought well, to continue this system in a sound efficient state, and were this done, one advantage connected with such a conservation would be, that it would favour the development of the professorial system in a good direction, though under a form perhaps partly peculiar to us, and congenial with the other institutions of the place. Great would be the loss if our Professors were not to lecture at all, and great would be the waste of intellect and knowledge if the undergraduates did not habitually attend professorial lectures. But as I have said in another place, the teaching of undergraduates is not, I conceive, the only nor indeed the chief use which Professors may answer in our Universities. The great want of Oxford hitherto has not been merely nor chiefly that the Professors have not been sufficiently active in teaching, but that the system has disfavoured the existence, and missed the general effects of Professorial learning. Some powerful men we have had; a considerable body, or a constant succession of such we have not had; men who could give authoritative opinions on matters connected with the sciences; whose words when spoken in public or private could kindle an enthusiasm on important branches of learning, or could chill the zeal for petty or factitious erudition; men whose names and presence in the University could command respect for the place, whether attracting students of all kinds and ages to it, or directing upon it the sight and interest and thought of the whole learned world; men whose investigations could perpetually be adding to knowledge, not as mere conduits to convey it, but as fountains to augment its scantiness, and freshen its sleeping waters. Of such men we desire more than we have had. The first care must be to encourage the existence and promote the creation of such. The mere enlargement of the salaries cannot do this at first, or by itself, but in course of time, and combined with a good system of appointments, it will probably have this effect. But it would be well to consider whether, especially at the commencement, we shall not make the process of creating and inviting powerful men all the more difficult if we impose, by unyielding rules, the same burden of constant instruction as a necessity upon all. It would doubtless produce more teaching, in the common acceptation of those words, but it would lead also to second-hand learning, hand-to-mouth lectures, and the instalment of a race of men in our chairs without enthusiasm, eloquence, profundity, or venerable acquirements. Such remarks may perhaps invite one observation, that at any rate there should be some guarantee for the activity of Professors, and that in providing this security large allowance must be made (as has been said) for "the power of human indolence" to deter men from great exertions. But to this again there is a reply, the truth and sufficiency of which will appear the more, I believe, the more it is considered. The position holds true if wrong appointments are made. If right appointments are made, those will be selected to represent a branch of study in the University who are cultivating it with energy and delight. It has been, it ever will be, the tendency of men eminent in any intellectual pursuit, to be enthusiastic, to carry their exertions to the extreme limit of their constitutional strength, because they find in it, and must find in it, the purest, the deepest, and the most enduring pleasure, in comparison with which, so long as vigorous health remains, idleness is privation, and amusement a meagre pastime. In all characters it is true that this activity may not show itself in teaching classes, or even audiences, but in the great majority it will, because if a man do but possess the knowledge and the ability to comprehend a subject fully, all the common impulses, all the common weaknesses of our nature will, in the majority of cases, urge him to teach what he knows; the love of respect and importance and superiority, and the love of social employment, in addition to the slighter but not unfelt consideration of increased emoluments. To all these must be added a sense of duty and a desire to do good: and if there be those amongst the Professors well chosen who stand beside or above the operation of these motives, they will be few, and they will not often be those of whom the University will have need to be ashamed. They will labour in a different way, and be fruitful. They will investigate, reflect, and write, even if they do not very actively lecture; they will address the world if not the students of the academy, and their words will come back to the University in some form, "after many days." They may not irrigate the ground immediately beside them, but the abundance of their spring heads, and the larger volume of their pent-up waters must go forward to feed and cleanse the cities of the earth, or to move the vaster wheels of European literature, or to deepen the main sea of the world's knowledge. Much, too, must, in spite of recluse

Object of Professorships.

habits, insensibly evaporate and fall again in showers, seasonable ever, though capricious, upon the spot. If we look to a single branch of learning in past time, who have done more for us during our time of narrower instruction than the silent men—the Bentleys and Porsons, the Elmsleys and Gaisfords of our academies? Doubtless, too, there may, after the best organization of a system of appointment, be some failures, but throughout nature as throughout society, there must be some waste, and the most stringent conditions for lecturing could elicit nothing from such men but a decent compliance with the letter, and a triumphant evasion of the spirit of such rules.

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5. The mode of appointment to my office, Whether the person holding it is removable?

The Crown appoints by an instrument under the Sign Manual. The Statutes of the Professorship do not provide for the removal of the Professor, but the terms of the recent appointments at least appoint the Professor to hold "during our pleasure."

Appointment.

6. What is the nature and number of Lectures usually given in each year? the average number of attendants? and the fee charged?

For many years preceding the death of Dr. Nares, no Lectures were given. Dr. Arnold gave one course of eight written Lectures, and announced his intention of giving eight written Lectures annually. Dr. Cramer, the Dean of Carlisle, appears to have lectured more frequently, and more after the manner of the Tutors in the University, by the study of some text-book written in Latin, or a foreign language, such as Sleidan, Philip de Commines, Davila, Guicciardini. He was attended by a class to whom he explained and commented. In my first year of work I gave five written Lectures. In my second year I gave sixteen spoken Lectures, lasting an hour each, ten of which were given in the October Term, twice in each week, and six of which were given in the summer Term. The lectures were spoken continuously without any interruption, but also without notes. The point on which my latter lectures hinged was the Conquest of England; a few only were contained within that period; the greater number handled each some special subject, which occupied, according to its importance, one or more lectures, the treatment of which would prepare the listener for studying the history of that time, such as, 1. "The growth of the feudal system in Europe generally, and its state in England before and after the Norman Conquest." 2. "The growth of the Papal power in Europe in the middle ages, and the relations of the See of Rome to England before and at the Conquest." 3. "The relation of England to the Celtic nations in the Island at the time of the Conquest." 4. "The history of Church Endowments in Europe, during the decline of the Roman Empire, and in England specially before the Conquest." 5. "The Physical Geography of England." 6. "The nature and number of the *conflicts* between William the Conqueror and Anglo-Saxon England, by which the Conquest was finally achieved." 7. "A sketch of the history of Monastic Institutions during the decline of the Roman Empire, and before the Norman Conquest in England." 8. "A sketch of the political and constitutional struggles of the English Church before the Norman Conquest, &c." In the commencement these lectures were intended as a kind of commentary on the text of Hume, but after the first three lectures, Hume was altogether thrown aside. The written lectures of my former year had been attended to the full crowding of the room. Many stood, and some went away as unable to find accommodation. The numbers on an average were said to be upwards of one hundred and sixty. They were considerably more than the room could conveniently contain. For the lectures of the second year, which were expressly given for the sake of Students, and to which I did not draw the attention of the senior members of the University who had formed the chief part of my audience, and which moreover were given at one o'clock, an hour not admitting the attendance of those engaged in University work, seventy-four names were put down, but owing to incompatibility of the time, &c., with College work, and to other reasons, the list was reduced to fifty-seven. During the first term of the course the attendance was regular and full. During the latter term most of my hearers were engaged in the Responsions examination, and, therefore, the last six lectures were scantily attended. The first year's course was given gratis. For the second course of 16 lectures, a fee of one guinea was charged. I announced at the close of the October Term portion of this course, that I would examine any *who desired* it in the substance of my lectures. This announcement was made after the lectures had been given. Nor was the offer accompanied by any observations tending to recommend it to my hearers. Seven wrote to me notes, requesting that I would examine them. I appointed a day, and the result was quite satisfactory. Indeed I have no doubt that if it were thought advisable to convey information through Professors' lectures generally to the Students, most of the supposed advantages of the Catechetical system might be secured by examinations at intervals, conducted on paper. It would be advisable, of course, that the Professor so conducting them should comment in some way upon the answers. I had for this purpose a private interview with each examinee, and pointed out to him his errors. Amongst the best, these errors were sometimes produced, not by forgetfulness, but by misapprehension. In this case, too, I had not announced any intention of examining the men. I have no doubt that, had I done so, I should have found more voluntary candidates for examination; but it is possible that such an expectation, as it would have imposed extra work on the attendants of the lectures, might have also deterred some from appearing at the lectures at all.

Lectures.

Fees.

Examinations.

H.H.Vaughan,Esq. M.A — *The general Condition of the University in this Branch of Learning, and the best means of promoting it.*

Professorship of Modern History.

Until within the last alterations of our Examination system, Modern History formed no part of the University course, and therefore, was little attended to by Students before taking their degree. Perhaps the Public Debating Society, called the Union, gave more encouragement to the study of Modern History amongst the younger members of the University than any other public institution. But the reading produced by this must, of course, have been desultory and occasional, and can hardly have been attended by any very calm judgment on the facts. At a few Colleges, I believe, some questions have been

State of the study of Modern History.

given on Modern History in the examination for the Fellowships; and the prospects of a speedy entrance into life, combined with a desire to know somewhat of the history of their own country, has induced some at all times to give a portion of their leisure after

Recent encouragement.

the degree to this subject. But residence is commonly short after the last examination, except with those who remain here for the sake of engaging in tuition, and with such, private pupils occupy so much attention as to leave no very large margin for studies which aim solely at self-improvement. The study of Modern History, therefore, at present is not generally pursued; nor is it, so far as I know, earnestly cultivated by a few. Of recent years two steps have been taken to advance this study within our walls. First, a

Arnold Prize.

prize has been established for the best Essay on an historical subject, open to the competition of all within eight years of their matriculation. This includes Modern History as well as Ancient. The scheme has been in operation only one year, and has, of course, furnished as yet no full data for a judgment on its effects. A second attempt has been

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made in the same direction, by introducing Law and Modern History as matters for Examination, and for the Award of Honours in the taking of the Bachelor's degree. This has *not yet* come into play; but its action is clearly embarrassed, first, by the circumstances that the Student cannot give a very full attention to it by reason of the Philology, Theology, &c., which form a necessary part of the same degree Examination: secondly, as the Vice-Chancellor and Proctors of the year nominate the Examiners, and not the University Professors, no one has authority to guide the system at its commencement. In addition

Defects.

to these hindrances, resulting from the imperfect nature of our arrangements lately made to encourage Historical studies, and which are clearly capable of amendment, there are others inseparable from our present condition in respect of these studies, and for the removal of which we must trust to the gradual effect of our now altered position. As this subject is quite a new one, all the helps which gradually gather themselves round a branch of learning which has long become a part of education are wanting; Dictionaries, books on Geography; Antiquities, Civil, Legal, Military, Ecclesiastical, Domestic, and Economical, Plans and Maps, &c., are needed to facilitate progress in Modern History, especially in the history of those earlier portions of it which precede the Reformation in our country, the history of all periods in foreign countries. And yet without desiring at all to exclude the history of the latest centuries, I am inclined to believe that academical instruction is on the whole more required upon the history of the earlier than the later time. This is a point, however, on which too much might be said to admit of its expression in this place; and with regard to the more modern periods, we must feel for some time a difficulty, which, affecting all portions of our history, operates on the most recent times more powerfully. Writers have often regarded the facts from the side of one or other of the modern parties in the State, and their works, in consequence go forward with something of a bias in one direction. But, I am hopeful, that the mere circumstance of this subject having been adopted as a matter of national education, will operate to remove this evil. Those who have studied a subject for the smaller but healthy purposes of academical learning or academical teaching, are thereby submitted to many of the influences which may perhaps attract them to it in a more comprehensive and disinterested spirit. They become acquainted with its intrinsic and intellectual interests, with the questions which it raises and solves, with the fields of research which it opens, with the number and importance of its bearings, with the energies and faculties of many kinds which it calls into action. Thus the Teacher and the learner often exercise a quickening and charming influence on the author and investigator. I conceive this to be the rationale through which, in past centuries, so abundant and earnest a literature has been produced on Logic, Grammar, Civil Law, Theology, the Classical languages, Ancient History, and Moral Philosophy. That academical teaching in Modern and English history will, through a like course of causes, operate and produce a literature on the subject, I am very hopeful; and as the teaching and learning will have acted upon the literature, so will the literature react on the learning, and aid to supply calm, accurate, and philosophic works in this department; and if so, as the subject will have been approached from a new point, it will also probably be treated in a new spirit of impartiality and research.

There is no remedy for present defects but time; we have suddenly adopted the study which has been cultivated by few, and which in the University has not been cultivated at

General suggestions.

all, and we must be content for a season to advance slowly through it. I have in other parts of my answers to the Commissioners recommended such general measures as I conceive likely to stimulate the study of all the branches of knowledge, both new and old. I am hopeful that the effect of such arrangements as to Examinations, and Fellowships, and Professorships, and the Tutorial system, and Libraries, would extend itself to the study of modern history, as well as the other departments; and so far as I at all represent that

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Special suggestions.

learning, I crave no more for its advancement than I desire for the encouragement of other important subjects. The following special suggestions I would take leave to offer. There are in the University philological, mathematical, and theological scholarships awarded to the highest proficients in those sciences, and therefore in a certain way operating constantly, legitimately, and really, to sustain exertions in their cultivation. There are also Vinerian scholarships, instituted for the encouragement of legal studies, and at present effecting small good of any kind, and that only in a capricious and indirect manner. They are awarded by the votes of Convocation, and have been given, sometimes, to meritorious men who have seemed and have purposed to be going into the law, and sometimes to men of slight merit, who have thought of adopting the same profession. Very often, however, the merits and the demerits have been, after all, transferred to some other profession; and in no case has knowledge of law or history been regarded for a moment as a condition for the enjoyment of this doubtful honour, but substantial though small benefit. The condition of going into the law is a future condition to a present fact, and therefore, in practice, no condition at all. In former times, when the University could not pretend to offer any tests of historical and legal knowledge, a reformation of the practice may have been more difficult; but, now if it be intended to preserve any Scholarships on the Vinerian Foundation, they might be bestowed in a manner systematic, discriminating, and with salutary effect, as a reward to Bachelors of Arts for highest proficiency in legal and historical knowledge, thus aiding in some degree the validity of that school of modern history and law which has been recently created, at the same time that they would impart new life to the special Institution of which they form a part. There is also a kindred foundation in the University, the Eldon Scholarship, to which the same observation will apply only in part; this is a Scholarship worth 200*l.* per annum, lasting for three years, given to distinguished University men in order to support them at the law. The trust of selecting distinguished men, executed by certain special trustees, has been discharged quite conscientiously. It may be doubtful, however, whether all its purposes have been answered. It was founded expressly in order to support men who had distinguished themselves at the University of Oxford during their studies for the profession of the law. No hint of blame could be ventured, I believe, against the mode in which men have been selected to enjoy this benefit. But it is submitted that a part of its purpose has been frustrated, and will not quite effectually be answered under present conditions. It has operated entirely to encourage very distinguished men: it has not entirely succeeded in forwarding legal studies. Amongst those who have enjoyed the benefit of this Institution, hardly has a majority persevered in following a professional career; some have abandoned the pursuit very soon, others have turned aside from the highway of law into official life—in truth, as I said before, the intention to study the law is but a slight guarantee for its steady prosecution; under the altered circumstances of the University, therefore, I venture to suggest it for consideration whether some new arrangements might not be made with regard to this testimonial. If it were awarded, as now, only to men who have fulfilled the conditions of general academical distinction in the University, and amongst them to the one who, not having taken his Master's degree more than a-year, should show himself the superior in an examination in law and history, all purposes would be as well answered as now, and some better than present arrangements admit.

Thus, then, I would conclude these observations by summarily mentioning a few improvements, specially affecting the study of modern history in the University. In order to stimulate this branch of knowledge in a due degree amongst undergraduates, three things should be done.

1. Separation of the school of Modern History from the school of Literæ Humaniores,

First, the examination for the degree should not necessarily involve for Modern History Students an examination in Theology and Literæ Humaniores. If there are two or (as I have proposed) three examinations before that for the degree, including scholarships and theology, it is but reasonable, I would say it is necessary that the final examination for the degree should be emancipated from a condition which must tend to distract the Student's attention from his special subject. Secondly, the Professor of Modern History should be officially charged in some way with the choice of examiners and superintendence of the examination; a provision of this kind is especially required for the proper guidance of so new a system, and for the right selection of examiners now and hereafter.

and superintendence of the Examinations by the Professor.

2. Arnold Prize Essay.

In order to aid the advancement of the study amongst graduates and men of maturer age and standing in the University, the following steps might be taken,—the age and standing of men permitted to compete for the Arnold Prize Essay might be extended to 12 years from the matriculation; the prize might be awarded only once in two years, and publications of the successful essays might be required; in this way the distinction would be increased, and essays might be more reasonably expected on particular subjects, such as would really enrich our knowledge. The cost of printing would be defrayed without great hardship on the successful candidate out of the proceeds of two years.

3. Vinerian Scholarships and Fellowships.

Secondly, the Vinerian Scholarships and Fellowships should be given away to the superior competitor in an examination in English Law and History. The competition should be open to all under the degree of M.A.

4. Eldon Testimonial.

Thirdly, the Eldon Testimonial might also be awarded to the superior competitor in an examination in Law and History. It might be open to all who had not passed the degree of M.A. more than one year. The competition might be restricted to such as should fulfil the condition now required, that is, should have gained a first-class or Chancellor's prize. I suggest that the length of time might be extended beyond the Master's degree, as this provision would answer two purposes; first, that of giving the examination a somewhat superior character to the Vinerian examinations; and, secondly, that of imparting a higher

H.H. Vaughan, Esq. M.A.

probability that the succeeding candidate would have earnestly embarked in professional studies.

Appropriation of Fellowship.

Certain fellowships should be devoted to the successful competitor in an examination in Modern History alone. On this point—see my general evidence; it is one of first-rate importance. It would also conduce generally to the success of these studies in the University if the Professor of Modern History were officially connected with the management of the Bodleian Library, and in acknowledgment of this public service, and with a view to the general benefit, he might be allowed privileges in the borrowing and use of books necessary to the prosecution of his historical labours.

I have the honour, Gentlemen, to be
Your most obedient servant,

H. H. VAUGHAN,
Regius Professor of Modern History at Oxford.

J.A. Ogle, M.D.

* *Answers from James Adey Ogle, M.D., Aldrichian and Clinical Professor of Medicine.*

Clinical Professorship of Medicine.

Clinical Professorship of Medicine. 1. Endowment.

1. The endowment is 217*l.* 4*s.* per annum, being the amount of dividends on a capital sum Three per Cent. Consols, exclusively of such fees from Pupils as the Trussees may from time to time think reasonable.

The Trustees appointed by will of the Founder—
The Chancellor of the University;
The Bishop of Oxford; and
The President of St. John's College, Oxford.

2. Qualifications.

2. The Professor must be a Doctor of Medicine of the University of Oxford, and must have proceeded to that degree five years at least before his election; he must be personally resident in Oxford; and incidentally, from the nature of his duties, he must be one of the Physicians of the Radcliffe Infirmary at Oxford.

3. Lecture-room.

3. A Lecture-room has been provided at the Radcliffe Infirmary, and has been furnished by the Governors of that institution; and, during my occupation of the Professorship (20 years), the Academic Convocation have, at my request, on two several occasions, made to me a grant of 50*l.* for the purchase of books, apparatus, &c.

4. Statutable requirements.

4. The specific duties are set forth in Regulations framed by authority of the Trustees, and are, at the present date, profitably enforced (date of the Regulations, May 20, 1780).

5. Appointment.

5. The Professor, one of the Physicians of the Radcliffe Infirmary, duly qualified as above (2), is elected by the Academic Convocation. He holds his office for life, removable only after admonition and renewed complaint against him for duty neglected.

6. Lectures.

6. "The Professor shall annually, during the months of November, December, January, "February and March, in the presence of his Pupils, once in every day visit, and, where "it shall seem necessary, prescribe for such patients as shall come under his care; and shall "on two days in every week during the months above mentioned, read a lecture on the "nature and circumstances of the particular cases which shall have come before him, the "several methods of treatment, and such medical topics as they shall lead to."—*Extract from the Clinical Regulations.*

The number of Pupils, 1849, was six (the year commencing November 1, 1849, and terminating June 30, 1850). Average number of Pupils for last three years, five.

Fees.

The Scale of Fees at the present date, and it seems to have been the same from the beginning, is for each Academic Student of Medicine—

For the first course which he shall attend . .	£3 3
For the second	2 2
Admission to subsequent courses	*gratis.*
For each other Auditor, for each course . . .	3 3

"The proper Auditors of these Lectures are Students in Physick in the University of "Oxford who shall have completed two years in the University, and shall have formally "signified their intention of studying Physick. Nevertheless, the Professor may admit with "consent of the Vice-Chancellor for the time being, any other persons of known regular and "sober deportment."—*Extract from Clinical Regulations, May* 20, 1780.

7. For information under this head, I refer the Commissioners to my observations on the same as Aldrichian Professor of Medicine. The Professorship was founded by will of George Henry, third Earl of Lichfield.

His Lordship (deceased 1772) was President of the Radcliffe Infirmary, as also Chancellor of the University of Oxford, and one of the Radcliffe Trustees.

JAMES ADEY OGLE, M.D.,
Oxford, December 1850. *Clinical Professor of Medicine.*

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* For Professor Ogle's general Evidence, *see* Part I. p. 40.

Aldrichian Professorship of Medicine.

J. A. Ogle, M.D.

Aldrichian Professorship of Medicine.

1. Endowment: A money payment, 128*l.* 10*s.*, being one-third portion of the dividends on a capital stock, Three per Cent. Consolidated and Reduced Government Annuities,* with fees from Pupils as below. 1. Endowment.

2. The Professor must be "a Doctor of Physick of the University of Oxford, usually "resident therein."—(*Extract from Dr. Aldrich's* (the founder) *will*, dated April 27, 1795, and proved January 26, 1798.) 2. Qualifications.

3. Neither Residence, Lecture-room, Library, Apparatus Collections, nor any other accommodations are provided for him. 3. No residence, lecture-room, &c.

4. The Founder, by words of his will, enjoins the Professor to "deliver a complete course of "Lectures on the Practice of Physick annually, to be begun on the commencement of the "latter half of Lent Term, and to be continued uninterruptedly till the same be finished." Changes which have taken place since the date of Dr. Aldrich's will, both within and without the University, greatly affecting Oxford as a School of Medicine, have occasioned this Endowment to be of less profit to Academic Students of Medicine than he must be supposed to have anticipated. My predecessor (the late Dr. Bourne, informed me that he had found it (with most rare exception) impracticable to form a class for the course of lectures specially set forth by words of the Founder's will. I have not been much more successful in such attempt. The appointments of Dr. Bourne, and subsequently of myself, are the only two which have been made to the Professorship of *Medicine* on the Aldrichian Foundation since its establishment in 1803. Willing, and even desirous, to discharge my duties faithfully, I have been glad when occasion presented itself to do so as closely as may be in accordance with the Founder's directions; and such occasion failing, it has been my practice (opportunity of which was wanting to my predecessor) to consider the Clinical Pupils of the year as constituting an Aldrichian Class, and to continue to them Clinical instruction throughout the Academic Year, instead of limiting it to the five months' course prescribed by the Trustees of the Clinical Institution (see my Reply to the Inquiries respecting the Clinical Professorship), such extension of the course being made without demand or receipt of any additional remuneration. 4. Statutable requirements.

5. The Professor is appointed by the Academic Convocation. He holds the appointment for life, but is liable to retrenchment of salary for neglect of duty, "in proportion to the term and circumstances of his failure," at the discretion of the Trustees,—Vice Chancellor of University; Dean of Christchurch; Warden of Marton College. 5. Appointment.

6. The customary fee, 3*l.* 3*s.* for each complete Aldrichian course. 6. Fees.

7. The Candidate for a degree in Medicine at Oxford is virtually required to have attained the degree of Master in Arts. The Statute (Tit. vi., sect. 5, Addend. Corp. Stat.) requires that each Candidate for the degree M.B. shall, subsequently to his having completed his four years' course as a resident Student of Arts, and having successfully acquitted himself at the public examination of Candidates for a degree in that faculty (the formalities of admission to such degree, and certain consequent expenses, being alone dispensed with), have given himself, during three entire years, to the diligent study of Medicine, "cum morbis curandis tum lecturis audiendis apud quoddam melioris notæ Nosocomium." 7. State of Medical study.

The Medical Examinations (for the degree M.B., accompanied with a licence to practice) are holden annually in Trinity Term: they are, by statute, open to all Graduates of the University and to all Academic Students of Medicine, and by indulgence of the Examiners, to all Members of the Profession of Medicine legally qualified to practice in any of its departments. The Examiners are in number three, viz., the Regius Professor of Medicine, who, ex-officio, presides permanently at the Board, and any other two Doctors in Medicine, Graduates of Oxford, appointed thereto on each separate occasion by the Vice-Chancellor of the University for the time being.

The examinations were instituted by Statute in 1835, since which date 31 Candidates have acquitted themselves successfully, and respectively proceeded to their degrees; some few others have been rejected on the ground of insufficient acquirements.

These facts, together with such as relate to the several medical endowments, particulars of which will doubtless be supplied to Her Majesty's Commissioners by those gentlemen who enjoy present occupation of the same, exhibit (in my judgment) fairly and fully the present condition of Oxford as a School of Medicine. With reference to suggestions invited by the Commissioners with a view to its improvement in this respect, it is to be observed, that the whole expenses of ordinary Academic education are here incurred before the course of proper professional study is even commenced; and that, to the Student entering on this latter, having now completed his four-year course in Arts, and consequently no longer constrained to reside in Oxford, the Schools of London offer opportunity of professional instruction at once ample, convenient, and economical; and that, although the expenses of Academic education at Oxford should be diminished by arrangements of a more stringent economy and enlarged curriculum, the wider range and more ample accommodation of the London Schools would render it inexpedient to enjoin on the Student the necessity of pursuing his professional studies at Oxford.

These considerations, together with the fact that the professional character of the Oxford Medical Graduates stands undeniably as high as that of any other class of practitioners, induce me to deprecate, as regards the Faculty of Medicine, any changes other than such as, by means above alluded to, might place the advantages of Academic education at Oxford more within the reach of the middle classes of the community.

JAMES ADEY OGLE, M.D.,
Aldrichian (as also Clinical) Professor of Medicine, Oxford.

* The three Aldrichian Professors, viz., of Anatomy, of Medicine, and of Chemistry, sharing the whole amount of dividends equally among them.

J. D. Macbride, D.C.L.

*Answer from J. D. Macbride, D.C.L., Lord Almoner's Reader in Arabic.**

Lord Almoner's Reader in Arabic.
1. Endowment.
2. Qualification.
3. Residence.
4. Statutable requirements.
5. Appointment.
6. Lectures.

1. The only income is a payment out of Her Majesty's alms of 50*l.* a-year, which by the charge for fees is reduced to 40*l.*

2. No qualifications are required.

3. There are no residence, lecture-room, library, &c.

4. There are no statutes.

5. The appointment is made by the Lord High Almoner for life, and I am not aware that the person holding it is removable.

6. I have lectured whenever Graduates or Undergraduates have expressed a desire for instruction. I have, in general, been under the necessity of beginning with the Grammar, and have proceeded, as soon as I could, to construing to them easy sentences; Lockman's Fables and Extracts from the Old and New Testament followed, and I have then gone on to the Koran, a few chapters of which they generally find sufficient to satisfy their curiosity. I have never found any disposed to read the poetry or the more difficult works in measured prose, such as Flavius' Discourses, and the History of Tamerlane. I have not restricted them to time, but they have attended as it suited them, either daily, or thrice a-week. The number of Pupils at any one time has never exceeded four, and I have read sometimes with only one.

Study of Arabic.

7. My own experience shows, as far as I can judge, that the study of the language is all but entirely neglected, and I apprehend that the Laudian Professor will make a similar statement. The majority of my Pupils have previously attended the Professor of Hebrew, and these, having a taste for Philology, wished to ascertain the points of resemblance in these two cognate languages. Lately a few have come who proposed to devote themselves to Missions in the East, and therefore wished to study the language in order to obtain more accurate notions of Mahometanism. The only method of promoting the advancement of this branch of knowledge which occurs to me is the foundation of Exhibitions, which has been done for Hebrew and Sanscrit; but in neither has this scheme been as successful as might have been suspected, and when I consider the shortness of the academic course, and that the new Examination Statute introduces into our system the schools of History and of Natural Philosophy, and that the same stimulus of Exhibitions might be made to act upon them, I am not prepared to recommend any measure that might draw off the thoughts of Undergraduates from subjects of primary importance to one only of literary curiosity.

J. D. MACBRIDE, *Lord Almoner's Reader in Arabic.*

N. W. Senior, Esq., M.A.

Evidence of N. W. Senior, Esq., M.A., Professor of Political Economy.†

Professorship of Political Economy.

1. How long have you been Professor?

I was elected First Professor in 1826, and served for five years. I was re-elected in 1847, and am now in my fourth year.

2. With reference to the provisions lately made for the introduction of Adam Smith's great work into the regular University course, have you any suggestions to make with the view of increasing the efficiency of the Professorship?

Professorship of Political Economy.

Object of the Professorship.

The present Professorship appears to me to be intended, or at least to be effective, rather for the purpose of occasioning books to be written than of affording oral instruction. The Professor has generally been non-resident. He has never, I believe, done more than read a course of from 9 to 11 written lectures. Political economy is not a science to be so taught. It consists of a series of propositions, many of them very abstract, and most of them depending on one another. If the attention wanders, it must be difficult for a hearer to recover the thread: consequently it is much better to read a lecture or a treatise than to hear one; and, unless you suppose some extraordinary merit in the Professor, and that his lectures are unpublished, the student would generally be more profitably employed if he read the existing treatises than if he listened to a lecture.

The present system, on the other hand, is a very efficient instrument for occasioning the writing of treatises. Every Professor is required to publish five lectures, and most of the Professors have published many more; and as the Professor is not immediately re-eligible, a succession of Professors is secured, and therefore a succession of treatises.

Suggestions for its improvement.

To render the Professorship efficient as a means of oral instruction, the Professor ought to be resident for at least one half the academical year. His lectures ought to be given to small classes. They ought not to be written; they should consist principally of conversations with his pupils; Adam Smith, as the foundation of the science, might be the text-book, and other writers, as commentators, or opponents, or illustrators of Adam Smith, or as having advanced the science beyond the point to which he carried it, might be added; and the system of instruction would resemble more that which is given by College tutors.

The Professor might have several classes, but I doubt whether a single class ought to exceed from 15 to 20. For that purpose the endowment must be considerably augmented. If the pupils paid fees, I do not suppose that more than from 100*l.* to 200*l.* a-year could be raised in this way; you could not insure the services of a really eminent man for less than 700*l.* a-year. An additional endowment therefore of at least 500*l.* a-year

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* For Dr. Macbride's general Evidence, *see* Part I., p. 219; for his Evidence as Principal of Magdalen Hall, *see* Part IV., p. 379.

† For Professor Senior's general Evidence, *see* Part I., p. 17. This Evidence was taken orally before the Commissioners, in consideration of the circumstance that Mr. Senior was on the point of leaving England for a lengthened period, and that the Questions of the Commission had at that time not been proposed.

would be necessary. This to a certain extent might be provided by allowing Fellows of Colleges, if Professors, to retain their fellowships, though married. The term of service also must be prolonged. It ought probably to last as long as the Professor continues capable of lecturing. Perhaps a sort of retiring pension might be provided, by enabling after a certain number of years' service a coadjutor to be appointed cum spe successionis, who might divide the emoluments with the titular Professor, and perform all or a greater part of the duties.

N. W. Senior, Esq., M.A.

Professorship of Political Economy.

Although converting the Professor from a mere preacher into a sort of University tutor, I would still require him to deliver and publish a certain number of lectures every year, perhaps two.

3. Do you think it would be desirable that more than one University teacher should lecture at the same time in this science?

I think that it would be advisable to have two; and in a science so wide and so young as Political Economy, it is nearly certain that they would take different branches, and very probable that in subordinate details they would support different views. The difficulty would be to obtain the requisite funds.

4. Do you think that the elements of Political Economy might with advantage be taught by College Tutors, with a view to qualifying young men for the higher lectures of the Professor?

The elements of Political Economy are few and simple, and as the science advances will probably become fewer and more simple. I think that an intelligent man without much labour, might master them sufficiently to give useful lectures on Adam Smith, and prepare his pupils for the more intricate but less important inquiries into which a professor anxious to advance the science, and accustomed to treat its elementary truths as trite, might be likely to enter.

I think it would be of great utility if there were an annual prize for an essay on Political Economy, and perhaps it would be well to have two—for one of which all members of the University, whatever were their studies, might compete.

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*Answer from H. H. Wilson, Esq., M.A., Boden Professor of Sanscrit.**

H. H. Wilson, Esq., M.A.

Professorship of Sanscrit.

In reply to the questions which the Commissioners have put regarding the Professorship of Sanscrit, I may state that the circumstances of the endowment, and the statutes by which the appointment is regulated, were determined by the University Board, in communication with the Court of Chancery, and confirmed by Convocation; they are, therefore, sufficiently notorious, and are to be found in the Oxford calendars of various periods, but I have no objection to obviate the necessity of further reference by here repeating them:—

1. Endowment.

1. The endowment consists of a fixed amount of bank stock, from the interest of which the salaries of two Scholars and a Professor are defrayed. The former are 50*l.* a-year each, for four years. The latter, which is for life, was expected to reach eventually to 1,000*l.* a-year, to which sum it was limited, but it has never approached that amount, and is actually but 850*l.* per annum. However liberal this may be, I should have hesitated to accept anything less than the sum originally proposed, as I had to relinquish appointments in India of four times the value. No other sources of income are attached to the Professorship.

2. Qualification.

2. Knowledge of the language, being a matriculated member of some College or Hall, and of the Church of England.

3. No residence. Bodleian Library.

3. No residence is provided, nor is there any collection of books or manuscripts. The Bodleian contains a good collection of Sanscrit manuscripts, the greater part originally in my possession, and transferred to the University, with the condition that the Sanscrit Professor, for the time being, should be allowed to take home any he might require to use. There is no Lecture-room, and although the room at the Clarendon is available, yet its use is sometimes inconvenient, being interfered with by other lectures. A public lecture-room, however, is not much needed for classes of so limited a number as the Sanscrit classes must always be.

4. Statutable requirements.

4. The Statutes impose no duty that may not be reasonably required, although they are more stringent than is usually the case in similar endowments.

5. Appointment.

5. The Professor is appointed by Convocation. He is removable in the event of his non-compliance with the conditions of his appointment, for neglect of duty and immoral conduct.

6. Lectures.

6. The statutory number of lectures to be given in a year is 42, 16 in each of the longer terms, five in each of the shorter. I have kept a register of my lectures since 1836, and find the average annual number that I have given amounts to 98. The same voucher shows that the average annual number of Students has been 10. They pay no fees, nor any charge whatever.

7. State of the study of Sanscrit.

7. The general condition of the study of Sanscrit in the University is quite as flourishing as could in reason be expected. Study for its own sake, prompted by a disinterested love of intellectual labour, and looking for no other rewards than accumulated knowledge and gratified curiosity, would be a strange thing in these times, and would be more likely to incur ridicule than respect in this country. It would be preposterous, therefore, to propose popularity for the study of a branch of literature which is not calculated to lead either to private emolument or public distinction; and I think it very creditable to the members of the University that, in addition to those whom the Scholarships attract to my lectures, so many should have been induced to make themselves, more or less, acquainted with the language from purely literary

* For Professor Wilson's general Evidence, *see* Part I., p. 10.

H. H. Wilson, Esq. M.A.

Professorship of Sanscrit.

motives. I do not think that any material advancement of the study, beyond the point it has attained, can be anticipated. Two more Scholarships will, in the course of time, be at the disposal of the University, and they will bring some addition to our strength, but, in general, I do not think the study owes its best advancement, or most beneficial application, to pupils of the description to which the limit of age, 24 years, usually confines the Scholarships. It might, perhaps, be advisable to affix no limit of age, but to leave the Scholarships open to members of the University whatever their age or standing. The salary might sometimes be such an assistance to the means of Bachelors or Masters as to enable them to protract their residence in the University for the purpose of pursuing extra-collegiate studies. It would also, no doubt, afford some encouragement to the study if it were made a subject of public examination under the system now adopted, and if meritorious proficiency entitled the Student to certified distinction. Whatever is taught publicly in the University should, I think, be publicly tested.

I have the honour to be, Sir,
Your obedient servant,
H. H. WILSON,
Boden Professor of Sanscrit, University of Oxford.

H. W. Acland, Esq., M.D.

Readership in Anatomy.

*Answers from H. W. Acland, Esq., M.D., Lee's Reader in Anatomy.**

1. The nature of the endowment and its present annual value, and whether any other sources of income are attached to it?
2. Whether any special qualifications are required by Statute in the persons appointed?
5. The mode of appointment to your office, whether it is held for life or for a term of years, and whether the person holding it is removable?

Endowment.

I may best answer these questions by referring you to the Will of the Founder, Dr. Matthew Lee, Student of Christ Church.

When the Will† is compared with our practice the difference is found to be as follows:—

1st. The salary has been augmented to 100*l.* instead of 50*l.* half-yearly.

2nd. The trustees have greatly increased the expenditure for preparations.

3rd. On the introduction of the new Anatomical Act, Dr. Kidd found unexpected difficulties in the way of providing subjects, and procured permission to lecture from models and preparations.

3. Whether any residence, lecture-room, library, apparatus, collections, &c. are provided for you; if so, whether there are any funds for keeping them up?

No residence. Library. Anatomical Museum.

The Reader has no residence provided for him. There is a small but useful Anatomical Library, added to, at the suggestion of the Reader, by the Dean and Chapter, and a Museum.

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* For Dr. Acland's general Evidence, *see* Part I., p. 235.

† This Will, dated 27th August, 1755, directs as follows:—"I direct out of the rents and profits of the said estate there be paid one hundred pounds per annum, clear of all deductions, for the maintenance of an Anatomical Lecturer and the encouragement of the study of anatomy, which salary I direct to be paid half yearly for ever. And my Will is that such Lecturer in all future times be a Westminster Student in the said Colledge, that is to say, one who shall be elected into the said Colledge of Christ Church from the Colledge of Westminster School, and who shall have taken and compleated his degree of Master of Arts, and whose name before the time of his election into the said Lecture shall be entered in the physick line in the University of Oxford. And my Will further is that such Lecturer at the time of his nomination and election shall be a layman; and that he shall be immediately removed from the said office of Anatomical Lecturer, and shall not be entitled to the salary annexed to the said office, if at any time after his election to the same he shall take Priest's or Deacon's Orders. And my Will further is that such Lecturer shall reside in the University of Oxford at least six calendar months in every year, and that he shall take, teach, and instruct no Gentleman Pupil or Pupils in any art or science whatever, except Anatomy, Physick, or Botany, and that the person so appointed shall go through two regular and compleat courses of Anatomy every year, in each of which he shall dissect at least one adult human body, and distinctly explain and regularly demonstrate all the bones, viscera, blood-vessels, muscles, nerves, and all other parts of the human body with their respective uses. And my Will is that four Students and two Commoners of Christ Church Colledge do attend the said lectures every year, to be carefully taught by the said Lecturer and instructed by him in the rudiments and knowledge of Anatomy without any gratuity or reward, and that the Dean of Christ Church for the time being, and in his absence the Subdean, do nominate the said Students and Commoners to be so taught and instructed, in which nomination or appointment my Will is that the said preference be always given to such Students and Commoners as were educated at Westminster School. And my Will is that from all other persons who may attend the said courses and lectures the Lecturer may take a proper gratuity or reward, except the said four Students and two Commoners. I further direct to be paid the said Lecturer out of the rents of the said estate the further sum of forty pounds per annum, clear of all taxes and deductions, half-yearly, towards the expenses of making proper anatomical preparations for his lectures, and procuring at least two adult human bodies for his said courses every year, and for decently carrying away and burying the said bodies; but if the said Anatomical Lecturer shall not procure one or more adult human bodies, and go through a regular course of anatomy with proper lectures once in six months, in such case my Will is that he shall not only forfeit and lose the said twenty pounds for that half-year, but likewise lose that and every half-year's salary of fifty pounds in which he shall have neglected or omitted to procure an adult human body, and to go through a regular course of anatomy and to read the proper lectures, which sums of twenty pounds and fifty pounds which shall so become forfeited by such Lecturer, I direct to be stopped and expended from time to time by the Dean of Christ Church, and in his absence by the Subdean, and to be distributed by him in books amongst such Students of Christ Church elected from Westminster School and Colledge as he shall judge to want them most and deserve them best. And if at any time it shall happen that there shall be no Student of Christ Church Colledge elected there from Westminster duly and properly qualified to perform the office of Anatomical Lecturer, in that case only my Will is that any other person who shall be a Student or Commoner of the said Colledge may be appointed to the said office, who must be and I do hereby make him subject to all the rules, orders, regulations, conditions, and penalties before mentioned."—A. P. S.

H. W. Acland, Esq., M.D.

Readership in Anatomy.

Of this Museum a brief account must be given, because it is the only Anatomical Collection in Oxford. It contains in the Osteological series about 1,000 preparations, of which perhaps 300 are entire skeletons, ranging from the fishes up to man; in the Physiological series about 1,700; in the Zoological (invertebrate chiefly) about 500 arranged, and as many more perhaps unarranged; a Pathological series, in course of arrangement, for the use of Students, intended to show the more important Pathological changes; and other lesser series, as one of Histology.

Anatomical Museum.

In the extension of the Collection one object (probably that of the Founder) has been kept in view, viz., to provide that which might prove the nucleus of a scientific Physiological School. As Oxford is circumstanced at present, by far the most important point, in the arrangements for education in the Natural Sciences, is that the attention of such of our youth as are occupied in them should be directed to worthy objects, and into a right method of studying them. For this end the Physiological series has been arranged, as far as its limits will allow, on the plan of the Hunterian Collection; and this for three reasons.

1st. Because this is the most important and philosophical summary and exposition of Physiological laws which exists.

2nd. Because Students educated here, and made familiar from the outset of their studies with the extensive views of John Hunter, could not fail to seek and find interest when more advanced in the study of his great Museum in London.

3rd. Because they must necessarily become familiar with the Hunterian Catalogue, with Mr. Owen's works, and other original sources of anatomical knowledge of the highest worth. It is perhaps worthy of remark that pains have been taken to obtain dissections from the exotic animals found in our menageries, rather than from our domestic animals, in order that when our Students work in earnest for honours, in the school of Natural Science, which will soon come into operation, they may be employed advantageously to themselves and to the Museum, in the detailed dissection of species within every-day reach.

4. Whether there are any Statutes requiring the performance of specific duties, and whether those duties are such as could not profitably be now enforced?

Founder's Will,—

I have already said above in what respects the Will is departed from. Whether I should have felt myself at liberty to have done away with the demonstrations on the subject I am not now prepared to say, but I was glad to find the arrangement in operation when I received the appointment.

the present deviation from it advantageous.

Human dissection is no fit recreation for amateurs, and ought not in my judgment to be brought forward in any lectures not intended exclusively for earnest Students, and I question whether the receipt of a corpse in a box by coach, and the consequent speculations and inquiries which Undergraduates used to make at the Museum door, was not an evil that outweighed by many times any good that could be gotten by the Westminster Students from demonstrations upon it, lasting but three or four days.

Notwithstanding this change, however, Christ Church Students have within the last two or three years dissected most carefully various parts of the human body, especially with a view to their instruction in Art, and I imagine that those who are desirous of applying themselves seriously to Human Anatomy will not find the Trustees backward in assisting them.

The truth is, and it may as well be stated here, that there is but one method of studying Human Anatomy to any purpose, and that is by the most carefully and methodically conducted dissection, accompanied by some sound work on Descriptive Anatomy. There are works on this subject, which for clearness and precision are not to be excelled in any other science, and may therefore be usefully employed in enforcing accuracy and exercising memory.

But the greatest service may be done to beginners by sketches of the general nature of the objects of Anatomical and Physiological knowledge, in its most extended sense; by familiarizing them from the outset with the arrangements of the animal kingdom, and the Anatomical facts on which the arrangements depend; and by introducing them, from the first, to the methods of minute investigation of animal structure, which have become so important in our day.

It is quite clear that Students, having this foundation, cannot fail to undertake their *precise* Anatomical studies in an intelligent and philosophical spirit, and that therefore this part of the subject should be treated in instruction given to the *general* Student, while the detailed descriptive Human Anatomy should be reserved for those who need it, for the purpose of art, surgery, or medicine.

I have been thus bold to state the present practice, because, in truth, I am necessarily hampered, in my method of teaching, by the words of the Will. I lately instituted a practical course of lectures, the object of which was to teach the pupils to study for themselves, by dissecting with them, and demonstrating to them the animal textures generally from such specimens, human or otherwise, as I could obtain. But this course was one which could not legally entitle me to my salary, though, I think, no one would doubt that such a course would further exceedingly the objects of the Founder, as stated in his will, "for the encouragement of the study of Anatomy."

The Founder requires that two courses should be given; it is very desirable for the Students that these should be dissimilar, and accordingly I find that when in one course the subject is treated Physiologically, and in the other Anatomically, they generally attend both.

Anomalous condition of Lee's Readership.

The above account of Lee's Collection, if considered as indicating the Anatomical matériel of the University, must be taken with some reserve on one point which it is important to explain. The only Anatomical and Physiological Lectures at present delivered in the University are those by Lee's Reader. The only Anatomical Collection is that in Christ Church. Lee's Reader, however, is not held to be a University Professor, either by Lee's Trustees or by the Hebdomadal Board; consequently the University has now no Anatomical

H. W. Acland, Esq., M.D.

Readership in Anatomy.

Lectures, nor does she possess any Anatomical Collection. And further, the person who does deliver the lectures, and has charge of the collection, has no voice *ex-officio* in the regulation of the University studies in Anatomy.*

At the time that the Regius Professor of Medicine, Dr. Kidd, held the office of Lee's Reader, this anomaly that the University had no Museum, dissecting-rooms, or regular courses of lectures, was not apparent, for he, being, as Regius Professor of Medicine, both Aldrichian Professor and Tomline's Reader of Anatomy, could, when he thought fit, exercise University functions, in the place where he gave his two annual courses as the Christ Church Reader.

There are for the future but two courses open, either that the Christ Church Collection should in some manner be united with the University, or, this failing, that the University should erect an Anatomical Museum, lecture and dissecting-rooms. In either plan there are difficulties. In the first, because the University and Christ Church might find it impossible to form a joint trust for this object which should not be unbecoming or illegal; in the second, because it would be a waste of means for the University to be raising money for the formation and maintenance of an Anatomical Collection, when there is already an endowment for this purpose within its walls, liberally conducted by its Trustees.

6. The nature and number of lectures usually delivered in each year, the average number of pupils attending, and the fee paid by each pupil?

Lectures and Fees.

I usually give two courses of lectures annually, each containing from 15 to 20 lectures; besides several evenings devoted to Histological demonstrations.

The first course treats usually of General Physiology; the second treats of Anatomy: or sometimes I run the subject through the two courses, by condensing one-half in the first, and expanding it in the second, and *vice versâ*. In more than one year I have given three courses.

The pupils vary from 12 to 20, they are mostly Graduates; out of 12 persons attending one course there was only one Undergraduate. The sons and apprentices of medical men, sometimes medical men, and other residents in the City, not members of the University, attend. The fee paid by those who pay, is 2*l*. 2*s*. Before my time it was 3*l*. 3*s*., but this was more than that for our lectures generally, and I reduced it when appointed. The Dean has the privilege of sending 10 pupils to be instructed without charge. It is to be regretted that the whole number do not avail themselves of the provision.

Rev. R. Walker.

Answers from the Rev. R. Walker, Reader in Experimental Philosophy.†

Readership in Experimental Philosophy.

1 Endowment.

1. Present Endowment:—

An Exhibition of 30*l*. per annum, called Lord Crewe's Exhibition, and paid annually by the Vice-Chancellor.

A Grant of 100*l*. per annum, charged on the Civil List by His late Majesty George III., and now annually voted by Parliament.

The only other source of income is the Fee payable by those who attend.

The income from this source has been about 100*l*. per annum, though for the last two years somewhat more.

2. Qualifications.

2. I am not aware of any special qualifications beyond that of being an M.A., &c.

3. Lecture room and Apparatus.

3. A Lecture-room is provided by the University, and there is a most excellent Apparatus which has been provided by the munificence of the late Lord Leigh. This bequest now produces an annual income of about 85*l*., which is annually expended, and the accounts are examined by the trustees; but there is no attendant or assistant provided for the Reader. The Apparatus has to be kept in order, and preparations for Lectures made, at the Reader's expense.

4. Statutable requirements.

4. The Statutes require one course of Lectures per annum.

5. Appointment.

5. The appointment rests with the Vice-Chancellor. It is, I believe, held for life; and I presume that the person holding it can be removed if he neglects his duty, but I do not know how.

6. Lectures.

6. The courses of Lectures which have been delivered by me have been on the following subjects:—

Mechanics	14 or 15 Lectures.
Hydrostatics and Pneumatics	12 or 13 ,,
Sound	6 or 7 ,,
Light—	
If including Geometrical Optics . . .	15 or 16 ,,
If only Physical Optics	7 or 8 ,,
Electricity, &c.	11 or 12 ,,

Three courses have been delivered by me in each year since my appointment in 1839, except in the first year.

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* Persons not conversant with Oxford might consider this to be true in the letter, but not in the fact, but it was lately proved to be a fact; for the name of Lee's Reader was erased by the Hebdomadal Board from a proposed Board of the Professors of the Natural Sciences, on the ground, as is supposed, that he is not a University Professor. On the same ground, Oxford furnishes only one Trustee of the great Hunterian Museum. By Act of Parliament, the Regius Professor of Medicine and the Reader in Anatomy are Trustees. But it is held that these are one and the same person. (*See* Postcript, p. 287.)

† For Professor Walker's general Evidence, *see* Part I., p. 21; for his Evidence as Examiner, *see* Part III., p. 291.

Rev. R. Walker.

Each pupil is liable to pay Two guineas for the first Course.
" " One guinea for each subsequent Course.
" " Three guineas for unlimited attendance.

Readership in Experimental Philosophy.

Servitors of Christ Church are admitted free, and also certain Members of my own College, and a few others. The average attendance at *each* Course during the last three years has been 30. It should be observed that the Dean of Christ Church requires each Undergraduate of that Society to attend one Course of my Lectures. The average of these *compulsory* attendants is ten at each Course; but I may be allowed to add that, on the average, I see five out of those ten at a subsequent Course, they then coming *voluntarily*.

Fees.

7. It is evident from the above, that the vast majority of the University do not attend the Lectures in Experimental Philosophy. I believe that many leave the University without knowing that such Lectures are given, and also in utter ignorance of the first principles of Natural Science. A compulsory attendance on several Courses (not merely on one) would do good; and the fact that so many who have been *made* to attend are found to attend again of their own accord is a strong argument in favour of requiring attendance generally. As it is, Undergraduates are never informed that they *may* attend, if they please.

1. State of the study of Natural Science.

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*Answers from Hugh Edwin Strickland, M.A., Oriel, Deputy Reader in Geology.**

H. E. Strickland, Esq.

Readership in Geology.

The present reader in Geology is the Very Rev. W. Buckland, Dean of Westminster. In consequence of his inability, from indisposition, to perform his duties, the Vice-Chancellor and Proctors deputed me, in June, 1850, to take his place as Reader in Geology, until he should be in a condition either to resume the office or to resign it.

I accordingly delivered a Course of Fourteen Lectures on Geology in Michaelmas Term, 1850.

The number of pupils who attended were seven, and they paid a fee of 1*l.* 1*s.* each.

On the completion of the Course, the Vice-Chancellor paid over to me the stipend attached to the office of Reader in Geology, viz., 100*l.* (minus Income Tax).

My appointment being only a temporary one, I am not able to give very full information regarding the office of Reader in Geology, but will do so to the best of my power.

1. The Reader in Geology is paid by an annual grant from Parliament of 100*l.* The only other sources of income attached to the office are the fees paid by pupils.

1. Endowment.

2. I am not aware of any special qualifications required by Statute in the Reader in Geology.

2. Qualifications.

3. Two rooms in the Clarendon Building, with two attics above, are assigned for the Geological Museum,—a space wholly inadequate to do justice to the splendid collection amassed by the zeal and liberality of Dr. Buckland. A large portion of this collection has, consequently, never yet been unpacked, and the portion exposed to view is crowded into the smallest possible space. This space is further diminished by one of the rooms being also used as a Lecture-room. In an ante-room is a small collection of geological and mineralogical books, perhaps 200 volumes, chiefly given to the University by the late Rev. J. J. Coneybeare. No residence is attached to the office of Reader in Geology, nor is there any fund for keeping up the collections.

3. Lecture rooms.

4. The only duties required by Statute to be performed by the Reader in Geology, are to give one Course of Lectures on Geology annually. The Course to consist of not less than eight lectures.

4. Statutable requirements.

5. I have not any certain information as to the mode of appointment of the Reader in Geology. The office may be held for life, and I am not aware that the holder of it is removable.

5. Appointment.

6. The present Reader in Geology was in the habit of delivering one Course of Lectures annually, the Course consisting of fifteen Lectures. The fee paid was 2*l.* 2*s.* each Pupil for the first Course, and 1*l.* 1*s.* each for the second Course. It is stated, in a Return ordered by the House of Commons to be printed, February 24, 1846, that the number of Pupils who attended the Reader for the preceding five years was 107, but this, I presume, refers to the Two Readerships of Geology and Mineralogy, held conjointly by Dr. Buckland, so that the average attendance on each Course would only be about ten Pupils. Having occasionally been present at the Lectures between 1845 and 1848, I have reason to believe that the attendance during those years did not usually exceed six or seven.

6. Lectures.

7. It will be seen from the above statement, that the science of Geology presents but little attraction to the Members of the University at present. This is the more remarkable, because it is a science which of late years has made such remarkable progress, and has excited so much interest in the world at large, and in most other Universities. This depressed condition is shared in Oxford by all the other Physical Sciences. Its causes are, I believe correctly, attributed by Dr. Daubeny, in his pamphlet on the Correlation of the Physical Sciences, 1848, to "the sinister influence which the exclusive encouragement held out to one particular class of studies is calculated to exert upon the cultivation of the rest." There is reason to hope however, that when the New Examination Statute has had time to operate, the prospects of Physical Science in Oxford will improve. And should the proposed plan for the erection of a University Museum be carried out, and the Geological collection be transferred from its present inconvenient locality to more commodious premises, the magnificence of this collection can hardly fail to excite more general interest, and to attract more students to the lectures.

7. State of the study of Physical science.

H. E. STRICKLAND.

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* For Mr. Strickland's general Evidence, *see* Part I., p. 99.

N. S. Maskelyne, Esq.

*Answers from N. S. Maskelyne, Esq., Deputy Reader in Mineralogy.**

As regards the especial inquiries concerning my office,—

Readership in Mineralogy. 1. Endowment.

1. The Readership in Mineralogy is endowed by a Parliamentary Grant of 100*l.* a-year annually voted, I believe, in the Miscellaneous Estimates. The only further emolument accruing to the Professor consists in what he may get from fees paid by those who attend his lectures.

2. Qualifications.

2. I am not aware of any special qualifications required by Statute in the person appointed.

3. Residence.

3. No residence was attached to the Readership previous to my appointment as Deputy-reader. The University, however, have liberally put me in occupation of rooms under the Ashmolean Museum, at a former period occupied by the Professor of Chemistry, and I believe at another time devoted to anatomical purposes. These rooms they have, with great liberality, put into good repair for me, and have converted one of them into a laboratory for the chemical analysis of minerals. There is a collection of minerals, many of them very choice in their character, though the collection is not very large and complete. This collection is at present contained in the Clarendon Building, in one room in which I have delivered my lectures. There is a small room also in that building containing a few shelves of books upon Mineralogy and Geology, for the use of the two Readerships in these sciences. There are no funds for keeping up the collection. It is very desirable that there should be—but the liberality with which all my personal requests have been met by the authorities, I am sure, warrants me in asserting that they would readily respond from time to time to suggestions that I might make for the purchase of minerals. Indeed, I should state, that since my appointment, the sum of 140*l.* has been voted for the purchase of a collection of minerals, the proposal for which emanated, I ought to add, from the Vice-Chancellor and the Hebdomadal Board.

4. Statutable requirements.

4. By the statute of 1839, "Prælector Mineralogiæ quod ad hauc materiam spectat una lectionem serie quotannis exponat." Besides this, I am not aware of there being any statute requiring the performance of specific duties.

5. Appointment.

5. My office is that of Deputy Reader in Mineralogy, and I was appointed to it under a statute empowering the Vice-Chancellor and Proctors to appoint a substiute where a Professor is incapacitated from his duties. It was by them then that I was appointed to fill Dr. Buckland's position in the department of Mineralogy for so long as he should be labouring under the deplorable misfortune which has deprived the University of his services. Though the appointment of the Reader is, I believe, for life, and is, so far as I can obtain information on the subject, vested in the Vice-Chancellor for the time being, yet I presume that my position as Deputy is one from which the power that appointed is also capable of removing me. The statute upon this power of appointment is contained in page 7, tit. iv. sec. ii. of the statutes of the University, and passed Convocation in its present form in the year 1839.

6. Lectures.

6. I do not know exactly the number of lectures which Dr. Buckland has been in the habit of giving in each year upon Mineralogy, but I believe I am nearly right in saying that his course was one of 15 or 16 lectures delivered once in the year. I gave a course of 12 lectures in the Michaelmas Term of 1850, and propose giving two such courses in the year, henceforward, so long as I am called on to discharge this duty. The fee which Dr. Buckland charged was 2*l.* 2*s.* from each Student. I have charged 1*l.* 1*s.* My course was attended by five pupils. I do not know the precise number representing the average of Dr. Buckland's courses.

State of the Study of Mineralogy and Chemistry.

7. I believe the subject of Mineralogy is not less thought of and studied here than many other branches of physical science. I do not think that it would be fair to estimate its position here among the studies of the place, until other branches of physical science on which it is in some measure dependent have made more progress. Indeed, nothing can at first sight be more disheartening to the Student of Natural Science than to look round him in the University and find all in it apparently so dead to the value of such study, as a gymnasium for the mind, to its greatness or its beauty as a subject of contemplation, or even to its usefulness as mere marketable knowledge in the world. The new statute holds out a hope at least of a less disheartening state of things. Conceived, I believe, in a very liberal spirit on the part of all who were concerned in framing it, it is itself an evidence of another feeling in regard to physical science springing up. May I be permitted, respectfully but most earnestly, to urge on Her Majesty's Commissioners the importance of fostering this feeling, and taking measures to assist its growth.

For this purpose I would respectfully urge a consideration of the proposition I have made of Exhibitions being devoted in an especial degree to physical studies, with the object of enabling more advanced Students to carry on original experimental researches of their own, and of encouraging the younger men in acquiring the experience in experimental processes preliminary to and necessary for making progress in methods of chemical analysis or other physical investigations. This applies strongly to my own science, to which chemical analysis is the master-key, but which also involves experimental optics and geometrical measurements. I need hardly add, that for Chemistry there should be laboratories in which a large number of Students could work at once under the eye of competent Professors, with assistants and arrangements similar to those which are attached to the British School of Mining, the Royal College of Chemistry, and King's College and University College in London.

With such facilities as these, and others which will doubtless suggest themselves to Her Majesty's Commissioners, and with Professors selected for their learning, energy, and character, provided for by better endowments, and thereby, I will add, incited to a more zealous desire of adorning the University, and making it, as well as themselves, respected; and further-

* For Mr. Maskelyne's general Evidence, *see* Part I., p. 185.

more, with a large extension of the advantages offered by the University as a place of education, and so of the numbers of its Students, I cannot for a moment question the ultimate recognition of all the rights of physical science to a high place among the other means of education, and avenues to useful knowledge; and I am moreover sure that such a recognition will be accompanied by a corresponding impetus in every other branch of sound learning cultivated in this place.

N. S. Maskelyne, Esq.

Readership in Mineralogy.

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*Answers from the Rev. Henry Wall, M.A., Prælector of Logic.**

Rev. Henry Wall, M.A.

Prælectorship of Logic.

In answer to the questions which Her Majesty's Commissioners have addressed to me as Prælector of Logic, I beg to state that—

1st. The salary of the Prælector arises from a small payment by every member of the University under the degree of M.A. No other sources of income are attached to it. The salary last year amounted 247*l.* 15*s.* I have filled the office short of two years, and cannot tell the *average* income. 1. Endowment.

2nd. No special qualifications are required in the person appointed, except that he must be at least an M.A. or B.C.L., or Bachelor of Medicine. 2. Qualifications.

3rd. No residence or Library is provided for the Prælector; nor any Lecture-room except the small one which is common to all the Professors. I lecture generally in the Hall of my own College. I am obliged to do so whenever I have a large class. 3. No residence, &c.

4th. The only duties required are to read one course of Lectures during the first year after his election, and two courses every subsequent year. 4. Statutable requirements.

5th. The Prælector is elected by Convocation, and for 10 years. But he may be re-elected. 5. Appointment.

6th. In Lent Term, 1850, I delivered a course of Lectures on the general doctrines of Logic to a class of about 200 men in Balliol Hall. These Lectures continued the whole of that term and the whole of the following Easter and Act Terms, and were gratis. In Easter and Act Term, 1850, besides the above Lectures, I gave a Lecture on a Book of Aristotle's Organon. My class consisted of 18, and paid two guineas each. In Michaelmas Term, 1850, I *read* a course of Lectures (gratis) on Induction. The class numbered about 60. 6. Lectures.

7th. The study of Logic has certainly made great progress in Oxford of late years, and is still rising. But like most other studies of the place, it is clogged by being mixed up with heterogeneous matter, and made *necessary* for a high class in "Literæ Humaniores." Let there be as great a division of subjects as can conveniently be made, and let Logic be introduced into a distinct School of Moral and Metaphysical Philosophy, and it, like every other branch of study, would rise immediately. The Students would be fewer no doubt, but they would be of larger stature. 7. State of Logical study.

Postscript to the Evidence of Dr. Acland, p. 284.

Since the above was in type the University has passed a decree authorizing Lee's Reader to give certificates of attendance on his Lectures; and it may be stated that, by the loss which the University has sustained through the death of Dr. Kidd, the Regius Professorship of Medicine, together with the Professorship and Readership of Anatomy, have passed to the Clinical Professor of Medicine, who has announced his intention of giving Physiological Lectures.

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* For Professor Wall's general Evidence, *see* Part I., p. 143.

OXFORD UNIVERSITY COMMISSION.

EVIDENCE.—PART III.

THE PUBLIC EXAMINATIONS.

The following Questions were addressed to the Public Examiners:—

1. Do you consider the present system of Public Examinations well adapted to stimulate Students generally to exert themselves to the best of their respective powers? If not, do you think it fails most with regard to those of moderate or those of good abilities?

2. How far do you think the recent Statute likely to remove any defects that may exist in either case? Should you wish to see any further extension of studies, any further alterations in the examinations, or any change in the mode of classification?

3. What were the general subjects for the ordinary examination during the period of your Examinership? In what subjects was failure most common? What was the average proportion of candidates who were rejected or who voluntarily withdrew?

4. Can you specify the books taken up by candidates for classical honours, and the number of candidates by whom each book was taken up? Can you make any other statistical returns which appear to you to be important, as illustrating the state of study in the University?

5. What are the general subjects of the Mathematical Examinations? What degree of attention is paid to Geometrical knowledge, or to expertness in the use of analytical method?

How do you account for the comparative neglect of mathematics? Do you think that the studies introduced by the recent Statute will be as much neglected, and for like reasons?

6. Is the present mode of appointing Examiners such as you would recommend? Do you consider their payment sufficient? Do you think that Examiners for University Scholarships should receive payment?

7. Do you think that the subjects of instruction now pursued in the University are such as will attract any other classes to the University than those that resort to it at present? or do you think that the present studies could be advantageously modified with a view to that object?

Answers from the Rev. R. Walker, M.A., Reader in Experimental Philosophy, Public Examiner in the Mathematical Schools in 1835, 1836, 1841, 1842, 1846, 1847, 1850, 1851.*

Rev. R. Walker, M.A.

1. Do you consider the present system of Public Examinations well adapted to stimulate Students generally to exert themselves to the best of their respective powers? If not, do you think it fails most with regard to those of moderate or those of good abilities?

1. I understand by "*present system*" of public examinations, that which has been in operation for the last 20 years; and think that it does not stimulate students generally to the best exertion of their powers. The really studious will exert themselves under any system, but the average put off preparation until the examination is near, and trust too much to *cramming*. Stimulus of present system.

2. How far do you think the recent Statute likely to remove any defects that may exist in either case? Should you wish to see any further extension of studies, any further alterations in the examinations, or any change in the mode of classification?

2. The recent statute will remedy existing evils to a great degree, by compelling immediate and continual preparation for trial. It will, in some measure, also relieve the hard-working, while it presses close upon the idle.

As to "extension of studies," it is to be desired that every candidate for a degree should be acquainted with some one branch of Natural Science. He should "approach nature on some one side." Extension of studies.

It would be an improvement in the present mode of classification to allow the examiners, at their discretion, to subdivide the second (and occasionally the third class) by lines; thus separating the two or three or four best from the others in that class, in case of any marked difference. This would lessen the gulf between the first and second classes, and would also save examiners much pain and difficulty. There is frequently not much difference in merit between the best of the second class and the lowest of the first, but the class list, as at present arranged, makes a wide distinction. Classification.

3. What were the general subjects for the ordinary examination during the period of your Examinership? In what subjects was failure most common? What was the average proportion of candidates who were objected or who voluntarily withdrew?

4. Can you specify the books taken up by candidates for classical honours, and the number of candidates by whom each book was taken up? Can you make any other statistical returns which appear to you to be important, as illustrating the state of study in the University?

3. Failures are perhaps most common in Divinity. Those who are rejected on other grounds are almost always deficient in several points. Latin writing is a great stumbling-block, but candidates are seldom rejected for defect in this point only. If decent Latin writing should be insisted upon, the number of failures would be more than quadrupled. Failures.

The following table exhibits the numbers of those who were candidates for an ordinary degree during the years in which I have held the office of examiner, and in the next columns are the numbers of those who passed, failed, and withdrew their names. In the years 1831 and 1832, the whole number of candidates is shown; in the other years only half. Two schools were open for the examination of passmen, and my records extend only to the school in which I was present:—

——	Candidates.	Passed.	Failed.	Withdrew.	No. per 100 Passed.
Easter, 1831	..	..	..	..	..
Michaelmas, 1831	123	87	19	26	71
Easter, 1832	162	118	26	18	73
Michaelmas, 1832	..	..	..	..	..
Easter, 1835	..	..	..	..	..
Michaelmas, 1835	58	41	11	6	71
Easter, 1836	85	69	11	5	81
Michaelmas, 1836	68	52	11	5	76
Easter, 1841	71	45	12	14	63
Michaelmas, 1841	76	47	17	12	62
Easter, 1842	82	54	18	10	66
Michaelmas, 1842	75	49	16	10	65
Easter, 1846	71	49	18	4	69
Michaelmas, 1846	79	57	10	12	72
Easter, 1847	70	55	9	6	79
Michaelmas, 1847	70	49	13	8	70
Easter, 1849	87	65	11	9	76
Michaelmas, 1849	81	61	14	8	74
Easter, 1850	72	48	20	4	67
Michaelmas, 1850	76	57	7	12	75

In the above table blanks are left where my records are imperfect, and in the last column decimals are omitted, and the nearest integer given.

It appears that the average per cent. of the candidates for an ordinary degree who pass is on the 17 examinations of the above table rather above 71.

* For Mr. Walker's general Evidence, see Part I., p. 21; for his Evidence as Professor, see Part II., p. 284.

Rev. R. Walker, M.A.

5. What are the general subjects of the Mathematical Examinations? What degree of attention is paid to Geometrical knowledge, or to expertness in the use of analytical method?
How do you account for the comparative neglect of Mathematics? Do you think that the studies introduced by the recent Statute will be as much neglected, and for like reasons?

Mathematical Examinations.

5. The subjects for the Mathematical examinations for honours are (1) Pure Mathematics, (including Algebra, Trigonometry, Conic Sections, Algebraic Geometry, Differential and Integral Calculus), and (2) Physical Sciences (including Mechanics, Optics, Astronomy, &c.) The extent to which these subjects are carried depends on the ambition of the candidates. The same questions are proposed to all, and the position in the class list depends on the work done.

Causes of the neglect of Mathematics.

The comparative neglect of Mathematical studies is easily accounted for by the fact that nothing is to be got by them. Scholarships and Fellowships are determined without any reference to Mathematical attainments. For this same reason, few persevere in the study, although they have been induced to commence, unless they are likely to attain a first class. Those who are candidates for Mathematical honours, for the most part hope to obtain the highest class. I subjoin a table, showing the number of candidates for Mathematical honours, during the examinations in which I have been examiner, and have given a column of the numbers who appeared to hope for a first class, and another, of those who succeeded. This table will show how the lower honours are disregarded.

If Fellowships were never (except in remarkable instances) awarded without some distinction in Mathematics, the case would be altered.

It was proposed some time since to establish a valuable classical prize open to all Bachelors of Arts, with the condition that those only should be eligible whose name appeared in the Mathematical class list. I think that this would have done much for the study of Mathematics, but unless some of the rewards are attainable, on account of Mathematical knowledge or scientific attainments, the new schools of Mathematics and Natural Science will be almost neglected. They will be productive of no good.

	Candidates for Mathematical Honours.	Candidates for First Class.	Obtained a First Class.
Easter, 1826	9	5	5
Michaelmas, 1826	6	6	6
Easter, 1827	12	9	7
Easter, 1828	12	5	2
Michaelmas, 1828	4	3	3
Easter, 1829	7	5	4
Easter, 1831	11	7	6
Michaelmas, 1831	6	5	5
Easter, 1832	5	4	4
Michaelmas, 1832	10	6	6
Easter, 1835	7	5	4
Michaelmas, 1835	7	4	3
Easter, 1836	8	5	3
Michaelmas, 1836	11	7	5
Easter, 1841	9	7	6
Michaelmas, 1841	6	0	0
Easter, 1842	10	7	6
Michaelmas, 1842	7	3	2
Easter, 1846	8	5	3
Michaelmas, 1846	3	1	1
Easter, 1847	7	2	2
Michaelmas, 1847	9	4	2
Easter, 1849	7	3	2
Michaelmas, 1849	7	5	3
Easter, 1850	12	7	3
Michaelmas, 1850	9	6	4
Total	209	126	97

6. Is the present mode of appointing Examiners such as you would recommend? Do you consider their payment sufficient? Do you think that Examiners for University Scholarships should receive payment?

Appointment and payment of Examiners.

6. The appointment of Examiners by a permanent Board would be (in my opinion) decidedly better than the present system of nomination by Proctors.

The payment of Examiners is, I think, sufficient, but those who undertake the examinations for the University scholarships ought to receive some acknowledgment.

7. Do you think that the subjects of instruction now pursued in the University are such as will attract any other classes to the University than those that resort to it at present? or do you think that the present studies could be advantageously modified with a view to that object?

7. I do not suppose that many will come to the University, except for the distinction of the degree, unless a very considerable change is made in the instruction, and also in the habits of the students. But this is a wide question which it is difficult to answer within moderate limits.

ROBERT WALKER.

Answers from Travers Twiss, Esq., D.C.L., F.R.S., Fellow of University College and Public Examiner in 1835, 1836, 1837, 1838, 1839, 1840.*

Travers Twiss, Esq., D.C.L., F.R.S.

On the Public Examinations and General Studies of the University.

1. Do you consider the present system of Public Examinations well adapted to stimulate Students generally to exert themselves to the best of their respective powers? If not, do you think it fails most with regard to those of moderate or those of good abilities?

Inadequate stimulus of the present system.

1. I do not consider the present system of public examinations sufficiently comprehensive in its classification of subjects to stimulate students generally to exert themselves to the best of their respective powers. I think it fails most with regard to students of moderate abilities, who are only able to bear a limited amount of mental training in the present subjects, partly from their absolute defect of capacity for such subjects, partly from the deficiencies in their early education, preparatory to their entering the University.

2. How far do you think the recent Statute likely to remove any defects that may exist in either case? Should you wish to see any further extension of studies, any further alterations in the examinations, or any change in the mode of classification?

Extension of studies.

2. I think the recent Statute is likely to remove some defects by reason of the extension of the field of examination. It would be desirable, I conceive, that it should be tested in operation before any further alterations are introduced. As far as the mode of examination is concerned, the tendency of late has been to increase the portion of the examination which is conducted in writing, and diminish the oral part of the examination. This involves very important considerations, because it necessarily influences the system of teaching, which must accommodate itself to the system of examination. In the first place, a very different habit of mind may result from the discipline of written questions and answers, as distinguished from oral questions and answers, *e.g.* a contemplative thoughtfulness may be generated rather than a vigorous readiness. Again, the system of written exercises, as it gives more time for the memory to come into full play, enables the respondent to recollect the lessons of his teacher, and produce from memory those lessons, as if he had mastered the subject, and as if they were his own conclusions. This leads to the system of preparation, technically known as *cramming*, which entails the expense of a private Tutor, and indirectly renders the standard of the examination in many respects fallacious. This inconvenience may be obviated to a certain degree by extending the oral examination, which may be accomplished without difficulty, if a longer period than three weeks, as at present, should be allowed for the public examinations.

Advantages of oral Examination.

3. What were the general subjects for the ordinary examination during the period of your Examinership? In what subjects was failure most common? What was the average proportion of Candidates who were rejected or who voluntarily withdrew?

Subjects for the ordinary Examination.

3. The general subjects for the ordinary examination do not much vary. The Statute of 1830 requires every candidate for the degree of Bachelor of Arts to bring up for examination the Four Gospels in Greek, and the XXXIX Articles of the Church of England with the Scriptural proofs of them. The candidates are required by the custom of the Schools to satisfy the examiners of their knowledge of the Old and New Testaments as constituting the rudiments of religion, and to exhibit a competent acquaintance with the evidences of revealed religion. Under the head of Literæ Humaniores they are required to bring up at least three Greek and Roman writers of the best age and mark. Custom requires a portion of two Greek and two Latin works to be brought up, one of which must be a historical work.

The Greek authors on the list of the Examiners are:—

Historians.—Thucydides, Four Books; Herodotus, Four Books; *Xenophon, Expedition of Cyrus.

Poets.—Homer, Iliad, Twelve Books; Æschylus, Four Plays; Sophocles, Four Plays; *Euripides, Four Plays; Theocritus.

Philosophers.—Aristotle, Ethics, Six Books; Aristotle, Rhetoric; Plato, Four Dialogues.

Orators.—Demosthenes, Twelve Orations; Demosthenes and Æschines de Corona.

Latin authors:—

Historians.—Livy, Six Books; Tacitus, Annals, Six Books; Tacitus, Histories, Five Books; *Cæsar; *Sallust, with the Catiline Orations of Cicero.

Poets.—*Virgil, Eclogues and Georgics; Virgil, Æneid; *Horace, Odes, Epodes, and Ars Poetica; Horace, Satires and Epistles; Juvenal; Lucretius; Terence.

Philosophers.—Cicero, Tusculan Questions; Cicero de Officiis; Cicero de Oratore; Quinctilian's Institutes.

Orator.—*Cicero, Twelve Orations.

The works marked with an asterisk are considered to be the least difficult, both in the language and the subject matter.

In addition, every candidate is required to pass an examination in Four Books of Euclid's Elements of Geometry, or in Aldrich's Elements of Syllogistic Logic, and he is required to translate English prose into Latin prose with tolerable accuracy.

It will be seen that the *quantity* of work required is not great. The translation into Latin prose and the exercise in Geometry or Logic upon the system of printed questions and written answers constitute one day's work; and the entire examination of an ordinary candidate is concluded on the afternoon of the second day. But the nature of the examination, through which each candidate passes, must not be judged of from the *quantity* of work; it is the *quality* which determines his certificate, and he is required to pass through each subject without making on the average more than three or four mistakes.

* For Dr. Twiss's general Evidence, see Part I., p. 154.

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Failures.

Failures occur seldom in Divinity; now and then in Logic or Geometry; most frequently in the Greek or Latin authors, or in Latin writing. This latter result is to be attributed for the most part to bad elementary instruction in scholarship, which entails general inaccuracy, and from which it is very difficult for the ordinary mass of students to recover at Oxford, as they come up with a confirmed habit of learning things inaccurately.

The proportion of candidates, who were rejected, was usually about 30 per cent.; the proportion who withdrew voluntarily was about the same; so that of about 160 candidates for the ordinary examination, 60 would disappear altogether, 90 would obtain ordinary certificates, and about 10 would be placed by the Examiners in the fourth class of honours. Such was the average result of my experience on eight occasions, on which I have acted as Public Examiner in the Classical or in the Mathematical Schools.

4. Can you specify the books taken up by Candidates for classical honours, and the number of Candidates by whom each book was taken up? Can you make any other statistical returns which appear to you to be important, as illustrating the state of study in the University?

4. As all the candidates for honours have the same printed questions proposed to them to be answered in writing, and as this branch of the examination occupies five days, whilst the oral examination only occupies from 1½ to 2½ hours, the tendency is to establish a greater uniformity every day in the list of books brought up by candidates for honours. The books almost invariably brought up are the Ethics and Rhetoric of Aristotle, the Histories of Thucydides and Herodotus, and some portion of the historical writings of Livy and Tacitus; the Tragedies of Æschylus and Sophocles; the poetical works of Virgil, Horace, and Juvenal. Those who aspire to the highest honours add to their lists, for the most part, the Politics of Aristotle, or some of the Philosophical Dialogues of Plato, and perhaps the Treatise of Aristotle on Poetry; occasionally Theophrastus, or Xenophon's Memorabilia; the Odes of Pindar; four or six of the Comedies of Aristophanes; some of the Orations of Demosthenes; some portions of Polybius; four or six of the Tragedies of Euripides; Lucretius; the Comedies of Terence; some of the philosophical writings of Cicero. In addition to this they are required to exhibit a tolerably accurate knowledge of the rules of Syllogistic Logic, to write good Latin and Greek translations from English prose, and show themselves to be fair critical scholars, and acquainted with the laws of classical taste. Some of the candidates take up in their list of books one or more English writers on moral philosophy. The favourite author since 1830 has been Bishop Butler, but occasionally one of Dr. Paley's works appears.

Books of candidates for classical honours.

In Divinity, the candidates for honours are *practically* required to exhibit a more accurate acquaintance with the History of the Old Testament, and with the History and Doctrine of the New Testament, than the candidates for the ordinary examination.

5. What are the general subjects of the Mathematical Examinations? What degree of attention is paid to Geometrical knowledge, or to expertness in the use of analytical method?

How do you account for the comparative neglect of Mathematics? Do you think that the studies introduced by the recent Statute will be as much neglected, and for like reasons?

Subjects of Mathematical Examination.

5. The general subjects of the mathematical examinations are Arithmetic, Geometry, Algebra, Plane and Spherical Trigonometry, Conic Sections, Newton's Principia, the Differential and Integral Calculus, Mechanics, Optics, Hydrostatics, and Plane Astronomy. Of late less attention has been paid to geometrical knowledge; *e.g.*, it is now rare for a candidate to bring up the three first sections of Newton's Principia, which were almost invariably brought up before 1830, and more expertness has been required in the use of the analytical method, the solution of problems in writing being less cumbrous by the analytical than the geometrical method, independently of other practical advantages which the former method possesses over the latter.

Causes of neglect of Mathematics.

The comparative neglect of mathematics is to be attributed to a variety of causes. In the first place mathematics are rarely taught to any useful purpose in the public schools, so that the mass of Undergraduates on entering the University know little of the first elements of them. In the second place, by a custom which tends to perpetuate itself, mathematics do not form any very important branch of the examinations for Scholarships and Fellowships. The recent Examination Statute, however, makes a certain knowledge of mathematics indispensable for the degree of Bachelor of Arts. This must indirectly affect the preparatory teaching of the schools, for most Colleges will require some acquaintance with the elements of mathematics to be exhibited by candidates at their matriculation; it being customary for Colleges to examine candidates before their names are allowed to be entered upon the College books, although the University itself does not impose any test of examination, as a condition of matriculation.

Probable effects of the Statute of 1850.

It is very uncertain what will be the effect of the recent Statute. It is by no means improbable that the new subjects will only be followed by a few students, unless the pressure of the final examination in Literæ Humaniores should be diminished in practice, as it is in theory, by the introduction of an intermediate examination after the Responsions. As long as the pressure in the classical schools is maintained in its present severity, the ablest men, who are candidates for high honours, must devote their attention almost exclusively to the Literæ Humaniores; and their example being wanting in regard to following the new subjects, there may be so far a risk of the *spirit of study* being still directed away from those subjects.

The advantage of the present change is that it will allow of capacities for other than classical subjects to direct themselves to such subjects, under similar incentives, as far as the University is concerned, to those which have hitherto been exclusively held out to students in the Literæ Humaniores and the Mathematical Sciences.

6. Is the present mode of appointing Examiners such as you would recommend? Do you consider their payment sufficient? Do you think that Examiners for University Scholarships should receive payment?

6. The present mode of appointing Examiners is not such as I should recommend. I think they should continue longer in office, and receive a larger payment, so as to be able to devote a longer period of time to the business of the public examinations. I do not think the Examiners for University Scholarships should receive payment. The labour, though severe, is of short duration, and the position is one of honour, and generally accepted with readiness, excepting in the case of the Mathematical Scholarships, as there are comparatively few resident members qualified to conduct mathematical examinations.

Travers Twiss, Esq., D.C.L., F.R.S.

Appointment and payment of Examiners.

7. Do you think that the subjects of instruction now pursued in the University are such as will attract any other classes to the University than those that resort to it at present? or do you think that the present studies could be advantageously modified with a view to that object?

7. I should doubt that any other classes of Students will be attracted to the University than those who resort to it at present; the *modus operandi* of the Student is so much altered since the time when Universities, or *Studia Generalia* (places of general study), were first established. In those earlier days, Students resorted from necessity to the abode of learned men, who were the living oracles of literature and science, and congregated in their lecture rooms to catch information from their lips; now, *that* information is to be found in books, which the Student may have by his side at his home, and may pore over at his leisure. It is therefore, in the first place, not necessary to resort to the Universities, as exclusively the storehouses of learning. Again, special schools have grown up in places where special facilities for practical demonstration in support of theory have been found to exist, *e. g.* surgery, medicine, law; and it is rather in the application of theory, than in theory itself, that a living guide is needed in the present day. Thus, St. Bartholomew's or Guy's Hospital is preferred by the future surgeon to the lecture-rooms of the Professors of Anatomy at Oxford, and the pleader's chambers are considered to be safer training ground for the young lawyer than the hall wherein Blackstone lectured. Again, the increasing pressure upon youth to aid in supporting the family, or relieving the family from charge, is found to operate upon the classes which used to frequent the Universities, and systematic study, which it is the peculiar object of the Universities to promote, finds relatively fewer votaries even in the classes who used to frequent them. I think the alterations in the New Examination Statute may attract some individuals, who might be disposed to turn away from the more scholastic system in force under the present statute; but the proportion of young men who can afford to devote themselves, from the age of nineteen to twenty-two, to theoretical study, will be governed very much by the demand for recruits in the professions, and by the means of leisure at their disposal to enable them to pursue the more refined culture of the mental powers, which academic studies are intended to promote. Again, there may be another advantage in the system of three examinations under the new Statute; that a greater number of Students may be disposed to avail themselves of one or two years' study at the Universities, who could not give up time for three or four years' study. I should think it might be desirable for many young men to avail themselves of two years of academic life before they embark on the practical details of their future department of business. Three or four years, the full *curriculum* of study, on the other hand, might prove too long a residence, as their tastes would run the risk of being alienated from their future pursuits.

Extension of subjects of study.

Answers of the Rev. J. M. Wilson, M.A., Professor of Moral Philosophy, and Public Examiner in 1844, 1845, 1846, 1850, 1851.*

Rev. J. M. Wilson, M.A.

1. On the present system of Examination, as adapted to stimulate Students.

With regard to the Examination, I will venture to suggest two alterations, by means of which the present arrangement, I think, would be much improved.

Proposed alterations.

(1.) The first is, that *subjects*, or parts of subjects, should be required instead of books in the final Examination. The Student may very easily know too much of a book, *i. e.*, he may spend time unprofitably on a book; he can hardly know, or at all events he is not likely to know, too much of a subject.

If, at the same time, he is questioned by an Examiner who has a real knowledge of a subject, it appears to me that much that is objectionable in the present method may be avoided.

A book, or text-book, is, I presume, intended to convey a knowledge of the subject. If it fail to do this, it fails of its object. If the Student substitute the book for the subject of the book, he is injured by so doing, or at all events he loses an opportunity of being improved by his studies in each case where this may happen.

1. Subjects instead of books.

The text-book on Moral Philosophy used in the schools is the Ethics of Aristotle. The more valuable parts of this treatise are easily read, and the leading thoughts easily mastered. All the Students equally are soon made acquainted with the leading doctrines. Accordingly the Examiner is driven to seek out the more obscure and technical parts of the treatise, in order to be able to distinguish between the Candidates. He is driven to ask questions out of the obscurer corners, so to speak, of the book, and the matter lurking in these corners is always the least valuable. These obscure passages become so many texts for illustration by the Private Tutor, and much labour and ingenuity are wasted upon them. The Candidate for Honours must have this recondite information, and he purchases it from the Private Tutor. It consists mainly of erudite exposition and criticism of the technicalities of Aristotle's system; of a nice discrimination between his statements and those of Plato on the same subject; of information, in short, which may be very interesting to the historian of philosophy, but which is certainly not calculated to *initiate* the Student in this branch of science. This kind of knowledge is now recognized in the schools, and is necessary for the higher honours. A vast body

* For Mr. Wilson's Evidence as Professor, see part II., p. 282.

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of such commentary has grown up in the University; it has been handed down from Tutor to Tutor, and I will venture to say, that had we laboured equally on the *subject* itself of Mental Philosophy, we should greatly have improved its actual condition, provided that, in the first instance, we had acquired the necessary scientific habits of mind and observation by the cultivation of the simpler and more advanced sciences. I have often found, to my great regret, that the number of attendants on my lecture on the Ethics has been almost doubled as I approached the analysis of the more technical and obscure passages of the work, which I knew to be useless, or nearly useless, to the Student. Let me repeat here, that I do not seek to supersede the study of the Greek Philosophy; far from it—I think it a most important element of academic study; I only desire to introduce the subject of Mental Philosophy along with it.

The same remarks apply equally, or with greater force, to the study of Logic. It has been for some time past the practice of Examiners to select specimens of complicated reasonings to be examined by the Candidates for Honours, and to place them in a prominent position in the Logic paper, in order to show the importance attached to the answers. These questions are in most cases passed over altogether, and in nearly all very imperfectly answered; while texts of Aldrich, or of the Organon of Aristotle, are very liberally illustrated by the kind of commentary I spoke of as being lavished on the Ethics. The treatise of Aldrich was compiled in a very different state of mental science, and much that he says on the first part of Logic, especially, is now entirely obsolete. The obscurities and perplexities of this part are made the subjects of abundant commentary, and this commentary or study of the book takes the place, as we have seen, of a practical acquaintance with the subject.

So, again, in History, the Candidate is made to construe passages from a certain number of books, and he prepares for this part of the examination by a diligent study of the text. This is, no doubt, a valuable part of his academic discipline, and his time is well employed on it, provided he comes up to the University a tolerable scholar, or can make himself one by labour. The grammatical analysis is most useful to him; the habit of translating into English such writers as Cicero and Demosthenes, Tacitus and Thucydides, Homer and Virgil, is an improving exercise to the young Student. It gives him a taste for propriety of expression: it gives him a command, more or less, of the Greek and Latin languages, and enables him to use his own. This knowledge of the classical languages is a most valuable acquirement, and for it the Student should have an opportunity of obtaining distinction in the appropriate place, *i. e.*, in the School of Philology. After construing the text, he is questioned respecting the contents of the book. Now the more prominent and leading facts of the principal histories are easily mastered, and they are, accordingly, well known by the great majority of the Candidates. Again, therefore, in order to be able to distinguish, the Examiner is driven to put the most minute questions, and to call attention to the more unimportant and frivolous notices in a great writer. This very minute and microscopic examination would be unnecessary if the Student were permitted or required to take up portions of the subject of Ancient History. He might, at the same time, take up certain books for examination, as specimens of the literature of a particular period, or as giving information respecting such period.

2. Division of the School of Literæ Humaniores.

(2.) The second suggestion is, that a further separation of subjects should be made in the Literæ Humaniores School. This separation of subjects would abate many of the difficulties now experienced by Examiners. The classification of the Candidates, for instance, would be a simpler and easier matter, and much more satisfactory to the Examiner than it is at present. It is often made a question, under the present arrangement, whether one paper shall be allowed to compensate for another; whether a Candidate can be placed in the first class who has failed in writing a good piece of Latin; whether Greek composition is essential to the highest Honours, or whether a deficiency in this particular may be supplied from a surplus in any other paper. Different Examiners will answer these questions differently; but all these and many similar questions would be set aside by a complete division of subjects, and by holding examinations on different subjects in different Schools, and before different Examiners. If this were done, I have no doubt that the classification would give more general satisfaction than it does at present. The Pupil would look forward with more confidence to the result of his reading; the Tutor would be able to calculate with nearer approach to certainty on the probable position of his Pupil on the class list; and the Examiner himself would be spared the pain, in some cases, of depressing a deserving man to a position among persons of inferior power, merely because he may be deficient in one or two points; and in other cases of elevating a person of moderate ability to a position very much overrated by his fellows and by those who are not near enough to see the matter as it is, because he has reached a certain level in all.

This separation would be still farther beneficial, as leaving the Student more at liberty to follow his taste and natural talent, or, if he think fit, to direct his studies with reference to his future profession. It is a serious objection to the present arrangement, that it often imposes on the Candidate for Honours the necessity of pursuing studies for which, perhaps, he has neither taste nor capacity. To obtain, for instance, a first, second, and, I think, a third class in the Literæ Humaniores School, he must take up the Ethics of Aristotle, or some philosophical treatise, and acquire the kind of information respecting Logic which I have just described. The Tutor must often have occasion to regret this necessity, and to wish that the system admitted of his Pupil's obtaining Honours, without being required to study a treatise of the Ancient Philosophy. Many persons, as I have before remarked, and those especially who read for the lower Honours, evidently derive little or no benefit from such study. They do not see clearly the meaning of the technicalities which occupy so much of their attention, and they depend, therefore, on the Tutor, or rather the Private Tutor, for all except the mere effort of memory. Many young men, even, of superior ability in other respects, are induced to take up

Rev. J. M. Wilson, M.A.

this subject at a time when they are not prepared by education or previous mental experience to enter on it with advantage. I have often wished that persons in this condition were at liberty to give up Aristotle, without having to desist altogether from reading for Honours. In cases of this kind, the Tutor has often to stand aside, and see his Pupil blunder through what he thinks will procure him a class. In like manner, he must see Pupils toil in vain to acquire a knowledge of the classical languages who are yet capable of excelling in historical and philosophical studies.

But perhaps the greatest objection to this confusion of subjects is that it has contributed, along with other causes, to produce the state of things mentioned in another place, it has had the effect of proscribing all subjects not included in the narrow range of the examinations, while, at the same time, it has cut off all occasion or demand for higher teaching, even of the recognized subjects. Each Candidate for Honours takes up a portion of Theology, of Philosophy, of Greek and Roman History, and certain poets. The books presented have hitherto been almost always the same. In Philosophy, the Ethics and Rhetoric of Aristotle; very rarely the Politics and Poetics; a few treatises of Plato, and Bishop Butler's Analogy and Sermons. In History, Herodotus, Thucydides, Livy, Tacitus. In Poetry, Æschylus, Sophocles, Aristophanes, Virgil, Horace, Juvenal, and others occasionally. It is obvious that this form of the examination must have tended to make these books the great study of the University, and such has actually been the case. The Moral Philosophy of Oxford has become mere commentary; the regular historical studies are almost confined to the books above mentioned, and the periods to which they relate; and, as regards classical studies, even Homer, Cicero, and Demosthenes were little read, until the recent Statute was passed.

This Statute concedes important alterations. It recognizes the study of most of the fundamental sciences, physical and moral; and it aims at improving the condition of classical literature, by requiring the study of some of the best Greek and Latin authors, hitherto neglected. It cannot, however, be regarded as a final arrangement. The examinations are evidently in a state of transition. The Literæ Humaniores School still comprehends too many subjects, and if it be not further broken up, it will defeat the other provisions of the Statute.

This separate study of subjects would of course involve some change in regard to the superintendence of the examinations, and the appointment of Examiners; of this I shall speak presently.

What has been said relates to the final Examination; it involves, however, some modification of the second or intermediate Examination.

At present, the Candidates for Honours at this Examination are examined apart from the rest, and divided into two classes, according to merit. This arrangement was intended chiefly, I believe, to encourage Classical Philology, which was declining in the University from the mixture of subjects in the final Examination. If this encouragement were provided by a separate Philological Examination at the end of the third year, the classification at the end of the second would, I think, naturally be discontinued. It would be sufficient to distinguish the more promising or more diligent class of Students by placing them in a class by themselves.

It will become a question whether all the Students shall be required or encouraged to pursue their classical and philological studies till the end of the second year, or be allowed to make a choice of subjects at the end of the first, *i. e.*, after passing their responsions. Whichever way this question may be determined, it would, I think, be very undesirable to repeat a serious Examination for Honours at the end of two successive years. To the Passmen, the prospect of examination at the end of each year may be necessary; it only cramps and confines the Classmen. They would always be in the hurry and fever of preparation for an Examination on which their reputation depended, and they would read less for their real improvement than heretofore.

2. On the appointment of Examiners.

In the answer to your question on this subject, I have suggested that the Professors should be allowed to exercise a permanent influence of some kind or other over the examinations.

Appointment of Examiners.

The Professors of each Faculty might be allowed to nominate one or more of their own body as Examiners; the Vice-Chancellor and the Proctors, acting as a Board, might choose the rest.

The present practice is, I think, defective in two particulars:—

Evils of the present practice.

1. Fluctuation.

(1.) Each Examiner is appointed for the short period of two years, and the rapid succession thus occasioned produces great inconvenience and uncertainty. The standard is evidently liable to considerable fluctuation, and the character of the Examination changes in some degree with successive Examiners. There can, I think, be no reasonable doubt that a more permanent Board is required to give consistency and steadiness to the system.

2. Appointment of College Tutors.

(2.) It has been the general practice for the Vice-Chancellor and the Proctors to nominate one of the Tutors of their own College as a matter of course. This practice is a questionable one under any circumstances, and the substitution of *subjects* for books, which I have been recommending, naturally involves its being laid aside. So long, indeed, as the examinations turned on certain books, it might be thought that any one who had himself carefully read these books was capable of examining in them. If, however, they are made to turn more on *subjects*, it will be necessary to intrust them to persons who are profoundly acquainted with these subjects. No one but a true scholar can be thought competent to examine in the Greek and Latin languages, and the same may be said in regard to all other subjects. If, indeed, the superintendence of the Professors were secured, the present practice might be continued in the case of those to be appointed by the Vice-Chancellor and Proctors. Even then, perhaps, it would be desirable to extend the term of office.

Rev. J. M. Wilson, M.A.

The superintendence of professorial experience and knowledge would not only steady the examinations, but would raise their tone and character throughout. It appears, indeed, to furnish the very direction necessary for the right use and employment of an instrument so powerful as the established system of examination. I dwell on this point as one of vital importance, for I believe that any attempt to enlarge or improve the studies of the University will prove ineffectual, unless means are taken at the same time to provide a judicious superintendence of the examinations.

It is an inconvenience attaching to all examinations, that the Student is led insensibly to read solely *for the examination*. This is especially the case in examinations where "honours" are awarded as an inducement to study. The Student reads exclusively, or nearly so, *for the honour*. It is, of course, the honour or distinction that he seeks, and not the self-improvement which should be the result of his reading. The University, no doubt, holds forth the honour in the hope of improving the young men by the means they must take to obtain it. This course may be natural and proper: it may be necessary even to apply a stimulus of this kind to induce the mass of young men to exert themselves. It is obvious, however, that this method of promoting industry, if it be not wisely and judiciously administered, may occasion great evil, by creating in the Pupil overstrained and feverish habits of study, and encouraging vicious methods of preparation, which may impair the beneficial effect of his reading and exertion; and that, therefore, its operation should be controlled or superintended by persons who have at heart the interest of real knowledge and sound instruction, and who know how great the difference is between a true love of learning and that spurious attachment to it which a system of examinations and honours has a tendency to foster.

The young men will naturally read for the examinations or the honours, and where this is the case, the Tutor also must consent to teach *for the examination*, or he will lose all hold of his Pupils: they will desert him, and have recourse to the Private Tutor, who is supposed to furnish just the information required for the Schools, and no more. The business of the Tutor is thus reduced to the task of preparing his Pupil for the examination. That this is the prevailing view of teaching in the University at this moment there can, I think, be little doubt. The Private Tutor, whose teaching is, perhaps, most valued by the Student, lectures solely with reference to the examinations; the College Tutor is forced to shape his lectures to the same end; even the Professor is compelled to follow the same course, or to forego the satisfaction of having a class. No matter what his knowledge or reputation may be, he cannot hope to secure Pupils *permanently* under the present system, unless his mode of teaching a subject resemble that of the Private Tutor, which is regarded as the model of instruction for the Schools. I find that the best attended of my own lectures are not those which I think best calculated to profit the Student, or which turn on subjects most interesting in themselves, but those which I am in the habit of giving to direct the Pupil in his reading for the Schools. In short, the Examinations have come to exercise an undue influence on the Studies of the University, and are no longer regarded as subsidiary to the main purpose of instruction; they are everything with the young men, and knowledge or mental improvement is a secondary consideration. The relative value of the different branches of knowledge, the importance of the several lectures, the merit of the Lecturers, are all estimated by reference to the examination. I can conceive a University entirely possessed by this spurious and questionable spirit. I can easily conceive "Cramming" to take the place of Instruction, a craving for "Honours" to supersede the love of Knowledge, and, as a consequence, examples of real distinction to become rare, in proportion as Honours and Examinations are multiplied. This kind of influence would not, perhaps, long maintain itself in any place. Ultimately, no doubt, the mind would shake it off, and regain its freedom and proper activity; in the mean time, however, it may cause great evil. We have seen the Examinations dictate absolutely what subjects shall be studied in the University, and *how* they shall be studied: we have seen them throw the instruction of the place into the hands of young men, who are certainly not qualified for the office of Teachers at the time when their assistance is chiefly sought.

If, then, what I say of the examinations be just, it is evidently all-important to subject them to proper control, and the obvious way of doing this is, as I have said, to place them under the superintendence of the highest authorities in the different branches of study. Under their control they will fall into their proper place; they will be made subsidiary to education, and will no longer be allowed to defeat the object for which they were originally devised.

3. Private Tuition.

3. Reading with a Private Tutor is a very general practice in the University: with the Classmen it is the rule. These all read for a time with Private Tutors, generally during the year preceding the Examinations. It is indispensable, they say, to success in the Schools; the Examinations *demand* it.

Connexion of the system of Private Tuition with the present system of Examinations.

The extent to which this practice prevails is much to be regretted. It increases the ordinary expenses, and devolves a most important part of the tuition on young men, who cannot be regarded as proper persons to form the minds of the Students, or capable of giving the proper interest and usefulness to the many subjects they teach; and, moreover, it encourages that servile and unreflecting mode of study which is very significantly termed "cramming."

It should be remarked that the Student has recourse to the Private Tutor chiefly for assistance in reading the Ethics, the technical parts of the Rhetoric, and Logic. Many read the remaining part of the work by themselves, or are content with the assistance afforded by the College Lectures; but all alike read the Ethics and Logic with a Private Tutor, at least I have not known an exception. It is not, therefore, too much to say that these subjects, or the present condition of them, are the *main* support of Private Tuition.

This may be owing, in part, to the peculiar character of the text-books, in part, also, to the

arbitrary nature of the information handed down respecting them; but a further reason, no doubt, is that some of the Private Tutors, by confining themselves to these subjects, get a name and reputation for teaching them, while others consent to "cram" their Pupils more indiscriminately than the College Tutor, who is not dependent on popular favour, can be induced to do. *Rev. J. M. Wilson, M.A.*

Private Tuition came in, we may be sure, with the Examinations. It does not, however, appear to have assumed its present importance till late years, when the Logic and Ethics, under their present form, began to assume a more prominent position, in regard to the rest of the Examinations, than they had occupied before.[4]

The form in which these subjects began to be taught about 20 or 30 years ago, and in which they have since continued, was given them chiefly by the Private Tutors. There is no doubt that the more ingenious among these elaborated the current traditional commentary on the recognized text-books. When this first came into existence, it appears to have been highly valued in the University, and to have procured great reputation for its authors, as we find that the Private Tutors of that time repeatedly held the office of Public Examiner. Since that time it has maintained its ground, though greatly fallen in credit. Indeed, it may be said that a reaction has taken place in this respect. Examiners have frequently declared that accurate translation, sound scholarship, and careful reading of the books are the chief elements of success, and that the analysis of the arguments given in the Logic paper will avail the Candidate more than any amount of commentary he can accumulate on the Ethics or on Aldrich. So far at least we are prepared for superior instruction on these subjects.

I have already expressed an opinion that the time is now come when a professorial exposition of Mental and Moral Philosophy should take the place of the present mode of teaching these sciences. If this were once provided, and at the same time the Schools were placed under the control of Professors, it does not appear unreasonable to hope that both the learning and teaching of the Private Tutor would be supplanted, to a very considerable degree, by the more solid instruction of the Professor, or that the Professor and College Tutor together would do more effectually, and with far less expense to the Students, all that is now done by the Private and the College Tutor.

4. Proposal for the improvement of Theological Study. Theological Study.

4. The necessity of seeking theological instruction in other places than Oxford would be entirely obviated by the system I have been speaking of. Suppose the person intending to take orders to have finished his grammatical and classical studies by the end of the first year, or as soon as possible after that time; he might then enter more at large on a course of theological study. This would call the Theological Professorships into more active academical life, by creating a *demand* (which is all that is necessary) for improved theological teaching. The present constitution of the Schools is the reason why so little *demand* is made on the Theological Professors.

It should be borne in mind that by thus sacrificing in part our present exclusively classical studies, in this and similar cases, we are not surrendering a profitable study of these subjects. Persons who have an aptitude for them will pursue them in their proper School. The classical studies of Passmen are confined chiefly to Latin writing, two Greek and two Latin books, and certain logical technicalities. Now, considering that these subjects have occupied their attention almost exclusively since the age of 12 or 14, it is clear that they must have produced on the mind whatever effect they can produce long before they are now laid aside. It may be, too, that many who show no aptitude for the study of language may be very capable in other subjects, which are, to say the least, quite as valuable. Classical Studies.

OXFORD UNIVERSITY COMMISSION.

EVIDENCE.—PART IV.

THE COLLEGES.

I.—Letter addressed to the Heads of Colleges and Halls. (See Report, Appendix B., p. 6.)

Sir, *Downing-street, October* 21, 1850.

Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, have the honour to enclose a copy of the Commission under which they act, and beg to express a hope that you will assist them in executing Her Majesty's commands, by furnishing such information as may lie within your power.

S. Norwich.

II.—Letter addressed to the Head and Fellows of each College in Oxford, and to the Dean and Canons of Christ Church:—

Oxford University Commission,
Gentlemen, *Downing-street, November* , 1850.

Her Majesty's Commissioners for the University of Oxford will feel much obliged for any information which you may be disposed to furnish on the following points:—

1. The amount of your corporate revenues and their specific application.
2. The sources from which each portion of the income is derived, and the amount arising from each source.
3. The proportion of your corporate property which is let at rack-rent, and on lives, or for terms of years; and the principle on which fines are set.
4. The emoluments of the Headship, of the several Fellowships, Studentships, Scholarships, Demyships, or the like.
5. The number, value, and period of tenure of the several unincorporated Scholarships, Exhibitions, or the like.

Her Majesty's Commissioners also request that you will furnish them with a copy of your Statutes, and with any Decrees made by the Visitor.

I have the honour to be, Gentlemen,
Your obedient humble servant,
A. P. Stanley,
Secretary.

III.—Letter addressed to the Head, to the Senior Tutor, and to other Persons of each College:—

Oxford University Commission,
Sir, *Downing-street, December* , 1850.

Her Majesty's Commissioners for the University of Oxford will feel obliged to you for any information which you may be disposed to furnish on the following heads of inquiry, which, for the sake of convenience, have been arranged under the form of questions.

I have the honour to be
Your obedient humble servant,
A. P. Stanley,
Secretary.

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1. Is your Society governed by statutes? If not, are there any orders or rules by which it is governed?

2. If the Society is governed by statutes, were those statutes given by the Founder? Are the original statutes in force, wholly or in part? If they are not in force, by what authority, and when, have they been altered?

3. Is there any provision in your present statutes for their alteration or amendment; or was there, in your original statutes, any such provision?

4. Will you state in what respects, if any, your statutes have ceased to be observed, whether owing to lapse of time or other causes?

5. In what cases is the non-residence of your Head or your Fellows permitted by the statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?

8. Are there in your College any unincorporated or Bye Fellows? If so, by what statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

10. Will you quote the clauses of your statutes on which any such restriction rests, together with any special reasons which the Founder or framer of your statutes may have had for this restriction?

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the statutes allow for opening the Foundation?

12. If the statutes give a "preference" to certain candidates, how do you interpret such preference?

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

18. Do your statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

19. Do your statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your statutes on which such permission or prohibition rests?

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

21. Is the Head of your Society, statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

24. Are Fellows or other members on your Foundation allowed by statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

25. What statutable restrictions limit the selection of your Head?

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the statutes allow any special liberty of choice in the Fellowships so connected?

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

29. Will you quote the clauses of your statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the statutes, or to make new statutes or ordinances?

30. Are Gentleman-commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons *in statû pupillari*? To what charges are they liable, beyond those borne by other independent members?

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible-clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as Private Tutors?

39. Can you state how many undergraduate members of your Society are now reading with Private Tutors?

40. What attendance at Chapel is required by your statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

43. Will you have the goodness to supply the Commissioners with a weekly Battel Bill of the average amount, and with a quarterly Battel Bill for each of the four quarters of 1849, also of the average amount?

44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

47. What number of Undergraduates is your College capable of accommodating?

These LETTERS were sent also to the PRINCIPAL and the VICE-PRINCIPAL of each HALL in OXFORD, with the following LETTER:—

Oxford University Commission,
Downing-street,
May 1851.

SIR,

HER Majesty's Commissioners for the University of Oxford will feel obliged to you for any information on the subjects of such of the accompanying heads of inquiry as relate to Halls, or any other information relating to your Hall which you may feel disposed to furnish.

I have the honour to be,

Sir,

Your obedient humble Servant,

A. P. STANLEY, *Secretary.*

UNIVERSITY COLLEGE.

To Letter I. of Her Majesty's Commissioners the following Answer was received :—

Rev. F.C. Plumptre. D.D., Master of University College.

University College, Oxford, October 28, 1850.

My Lord and Gentlemen,

I beg leave to acknowledge the receipt of your communication, addressed to the Master of University College, Oxford, enclosing a copy of the Commission, which Her Majesty has been pleased to issue to inquire into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

I have the honour to be,
My Lord and Gentlemen,
Your obedient Servant,
F. C. PLUMPTRE,
Master of University College.

The Lord Bishop of Norwich and the Members of the Oxford University Commission.

To Letter II. of Her Majesty's Commissioners the following Answer was received :—

Reverend Sir, *University College, Oxford, December* 5, 1850.

I have the honour to acknowledge the receipt, on the 29th of November last, of a printed letter, addressed to the Master and Fellows of this College by the Rev. A. P. Stanley, Secretary to Her Majesty's Commissioners for the University of Oxford, requesting such information as they may be disposed to furnish on the subject of the Sources and application of the corporate revenues of the Society and its head; and further requesting to be furnished with a copy of the statutes of the College, and with any decrees made by the Visitor.

I have, accordingly, submitted this letter to the consideration of the Fellows of the College at a meeting held this day.

I am desired respectfully to state, on behalf of the Master and Fellows of University College, that, as they do not feel themselves at liberty, so far as they are at present advised, to publish information respecting their corporate revenues or the internal affairs of the Society, or to furnish the Commissioners with a copy of their statutes and the decrees of their Visitor, they are unable to comply with the request of Her Majesty's Commissioners.

I have the honour to be, Reverend Sir,
Your obedient Servant,
F. C. PLUMPTRE, *Master.*

Rev. A. P. Stanley, Secretary to the Oxford University Commissioners.

To Letter III. of Her Majesty's Commissioners the following Answer was received :—

From the Rev. A. P. Stanley, M.A., Fellow, Dean, and Senior Tutor of University College, Oxford.

Rev. A. P. Stanley, M.A.

1. Is your Society governed by statutes? If not, are there any orders or rules by which it is governed? Statutes.

1. Yes.

2. If the Society is governed by statutes, were those statutes given by the Founder? Are the original statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

2. There are three personages to whom the name of the *Founder* of University College can be applied. Founder.

(1.) King Alfred, according to the traditions of the College as early as the time of King Richard II., and by a decision in the Court of Queen's Bench in the beginning of the reign of King George II., on which are founded the present powers of the Crown over the College, as a Royal Foundation. It is needless to add that the College has no statutes or recorded will of its Founder.

(2.) William, Archdeacon of Durham, in 1249, who (out of respect to the abovenamed tradition) is called "the Restorer" of the College. But he only contributed a small part of the present Foundation. He left no statutes for the Government of the College. What remains to the College of his will, has, as will shortly appear, in essential particulars, been superseded.

(3.) The University of Oxford, which in 1280 undertook to fulfil the bequest left by William of Durham, by founding a Hall for his Scholars. Hence arose the visitatorial power of the University over the College, down to the time of King George II., when it was adjudged to the Crown. The University, therefore, in its corporate capacity, must be regarded as the real Founder of the College, through the funds left by William of Durham. And to the University accordingly the College owes its original statutes. These were drawn up in 1280 or 1281. Copies of them are in possession of the Master of the College, and they are translated in the "Annals of University College, by William Smith, 1728." These original statutes were superseded by two later Codes issued by the University in 1292 and 1311, and ultimately

UNIVERSITY COLLEGE.

Rev. A. P. Stanley, M.A.

by the present statutes (of which mention will be immediately made), and are observed in no point. Those of 1292 and 1311 are observed partially, some parts having being incorporated in the present Statutes. Of the 21 Articles of the Statutes of 1292, about 8, mostly of a very general character, are still partially observed. Of the 17 Articles of the Statutes of 1311, only one is now observed. The *actual statutes* were drawn up in 1736 by the Master (Dr. Cockman) and Fellows, with the sanction of the Crown, which, by its power, superseded the previous Statutes.

It should be added that appended to and incorporated with these Statutes are the wills of Walter Skirlaw, Bishop of Durham, who left three Fellowships in 1403, and of Henry Percy, Earl of Northumberland, who left three Fellowships in 1442.

3. Is there any provision in your present statutes for their alteration or amendment; or was there, in your original statutes, any such provision?

Alteration of Statutes.

3. The statutes of 1292 are closed by this clause, "These statutes shall suffice for the present, to which others shall be added when it shall be thought fitting."

Walter Skirlaw, in 1403, commands that his statutes shall be "inviolably observed by the Fellows, saving always to ourselves while we live to change, modify, correct, and add, so far as shall seem fitting for the Divine worship, and profit and quiet of the said College and Fellows thereof."

In the present statutes the concluding clause gives power to add statutes.

4. Will you state in what respects, if any, your statutes have ceased to be observed, whether owing to lapse of time or other causes?

Non-observance of Statutes.

4. The statutes enjoin that the Master shall (amongst other points of order) see that Latin is spoken and the Bible read during the time of dinner; also, that once a month four Masters of Arts of the College shall dispute on some question of Theology publicly in the College Chapel, and Bachelors, in like manner, on some question of philosophy. The Catechist is also to preach once a month on some point of Theology, and also a sermon, according to an ancient custom (*ut consuetum est*), on Easter Sunday. A Moderator of the Bachelors (an office which is still retained in name) is to preside over the disputations of Bachelors.

The Fellows (with the exception of two) are all enjoined to study Theology and take orders; if not, it shall be competent for the majority of the Fellows, and the Master, to pronounce the Fellowship vacant.

These, as far as my knowledge goes, are the only points of the statutes which are habitually disregarded. (See however Answer 40).

In the case of the last named statute, which regards the necessity of taking Holy Orders, the clause, which enables the majority of the Fellows to pronounce the Fellowship vacant, is in practice made the ground of a beneficial dispensation from that necessity, granted habitually by the Fellows, except in those cases where (see Answer 21) the statutes of the particular Foundations require those particular Fellows to be in Orders.

5. In what cases is the non-residence of your Head or your Fellows permitted by the statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

Residence of Fellows.

5. Of our 12 Fellows, one is and has for many years been abroad from ill health; one is gone for three years to India as a missionary; four reside in England, and are present from time to time, but are habitually non-resident. The rest are resident.

6. Is the marriage of the Head of your College permitted by the statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

Marriage of Master or Fellows.

6. The Fellows are forbidden by the statutes to marry; the Master is not forbidden.

7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?

Variety of Foundations.

7. The College consists of four Foundations:—

1. Two Fellows of William of Durham.
2. Three Fellows of Henry IV., or Walter Skirlaw.
3. Three Fellows of Henry Percy.
4. Eight Scholars and four Fellows of Sir S. Bennett.

These Fellows are all equal in income, rights, and advantages.

8. Are there in your College any unincorporated or Bye Fellows? If so, by what statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

Bye-Fellows.

8. In 1595 there was a Yorkshire Scholarship (one of three) left by John Freyston, with the title of "Socius." He is not recognized as such in the present statutes, and is therefore only called the senior "Scholar." If he were to be invested with the original title he would be a Bye-Fellow. In 1714 Dr. Radcliffe attached to this College two Fellowships (see Oxford Calendar, p. 236), "for persons who are Masters of Arts, and entered on the Physic line." They are tenable for ten years, during half of which time the Fellows are required to travel abroad. The appointment to this Foundation is vested in the electors for Radcliffe's Librarian.

In 1837 (see ibid. 236) a Civil Law Fellowship was founded in this College by Mary Anne Viscountess Sidmouth, in honour of her father, the late Lord Stowell, sometime Fellow of this Society. This Fellowship is open to all Members of the University of Oxford who have passed the examination for the Degree of Bachelor of Arts, and is tenable for seven years. The Fellows are governed by the statutes of the College.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

Restrictions on Fellowships.

9. The Fellowships of William of Durham were (apparently, for his will is only known to us through the allusions in the 1st and 2nd Code of Statutes) confined by the will of their Founder to natives of the parts nearest to Durham. By the 1st Statutes of the College they

were thrown open without any local restriction whatever. "The Chancellor with some Masters in Divinity by their advice shall call other Masters of other Faculties, and these Masters with the Chancellor, led by the faith they owe to the University, shall choose out of all who shall offer themselves to live of the said rents [purchased with William of Durham's bequest], four Masters, whom in their consciences, they shall think most fit to advance or profit in the Holy Church, who otherwise had not to live handsomely without it in the state of Masters of Arts; the interpretation of which is left to the judgment of the electors: the same manner of election shall be, for the future, except only that those four that shall be maintained out of that charity shall be called to the election, of which four one at least shall be a Priest." (Smith's Annals, p. 18.) The 2nd Statutes (as if returning to the Founder's will) enjoin, that in case of the whole number of Fellows dying out they shall be supplied by Masters, or, if need be, Bachelors and Sophisters, *from the parts nearest to Durham.* "Since in the said College there are sufficient Scholars answerable to the incomes they have, we put no more nor other statutes concerning the choosing of Fellows, and diverse other matters, concerning which, when it is fitting, we or our successors will appoint; except this only: that if it should happen that all the Fellows of the said house should suddenly die, go away, be promoted, or removed from the said house without previous election, we ordain, according to the Will of the Founder, that in such a case the Masters not promoted, nearest to Durham, shall come to the Chancellor, or Proctors, or senior Theologice, or senior Artist, who thereupon shall admit one of the best of them to the aforesaid College. And if there be no Masters of the said country unpromoted, let Bachelors, or, if it be necessary, Sophisters, nearest Durham, and as is said concerning the Masters, let some of them be admitted according to the present statutes." (Smith's Annals, p. 42.) The 3rd Code enjoins, that "all and every of the Fellows that are to be supported, or ministered to, out of his charity, and who at the time of the election shall be present, shall chuse without exceptation of the country or the person, such an one as they believe to be adorned with good morals, poor or indigent in his estate, and most apt to make proficiency in the profession of Divinity; but [the Chancellor, Doctors, and Masters of the University] appointed, that he who *was equal in other respects, and born nearest to the parts of Durham,* should be preferred before any other whatsoever." (Smith's Annals, p. 48.) And this has been incorporated into the present statutes.

Besides these, three Fellowships were founded in 1403, by King Henry IV., at the request of Walter Skirlaw, with a preference to persons born in the diocese of York or Durham, who are required to take Holy Orders before they can be admitted actual Fellows. Three were founded in 1442 by Henry Percy, for persons born in the diocese of Durham, Carlisle, or York, with a preference, *cæteris paribus,* to natives of the county of Northumberland. And four were founded in 1631 by Sir Simon Bennett, to which, by the present statutes, those only are eligible who are, or have been, Scholars on his Foundation.

Restrictions on Scholarships.

Of the Scholarships, six are open to natives only of the county of York, viz., one founded in 1590 by the Rev. Otho Hunt; three in 1595 by John Freestone, Esq.; and two in 1764 by Dr. John Browne, sometime Master of the College.

Four, founded in 1631 by Sir Simon Bennett, are open to all persons born in the province of Canterbury.

Open Scholarships.

Seven are open without any restriction as to place of birth, viz., one founded in 1580 by Mr. Hearne, or Heron; two in 1586 by Rev. Thomas Browne, since augmented by Dr. John Browne; three established by the College in 1837 and 1841; and one founded in 1849 by George Shepherd, D.D., sometime Fellow of the College.

Exhibitions.

Of the Exhibitions, four were founded in 1618 by the Rev. Robert Gunsley, for natives of the county of Kent; two of whom are to be elected by the Master and Fellows from the Grammar School of Rochester, and two from that of Maidstone. Two were founded in 1587 by Robert Dudley, Earl of Leicester, the nomination to which is vested in his heirs. Two founded by Lady Holford, are in augmentation of Exhibitions from the Charter-house. Some others of small value, founded by Mr. Lodge, are usually given to the Bible-clerk.

Two Exhibitions for the study of Mathematics, established in 1840, are open to all Members of the College, who have not exceeded 12 terms from their Matriculation.

10. Will you quote the clauses of your statutes on which any such restriction rests, together with any special reasons which the Founder or framer of your statutes may have had for this restriction?

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the statutes allow for opening the Foundation?

10 and 11. From Answer 9 it appears that the close Foundations amongst the Fellowships are the Percy and the Bennett.

Mode of Restriction.

The clause with regard to William of Durham's Fellowships is *cæteris paribus, ex partibus Dunelmiæ proximis oriundi.* It is remarkable that the shape in which it now appears seems to have been a compromise between the words of his will which confined it entirely, and the wish of the University to open it entirely. See Answer 9. Also it is remarkable that for many years the foundation was, in contradiction to the Statutes, confined to natives of Durham, as appears from the statement of the Oxford Calendar to that effect down to 1838. This practice was abolished under the present Master, and since that time the Foundation has been virtually open. The words of the Skirlaw restriction are *potius eligantur,* which leave a wide margin. Here again the practice of interpreting a conditional into an absolute preference had crept into the College. Even as far back as the statutes of 1736, the Skirlaw Fellows are appointed to be selected from natives of Yorkshire. They contained, however, an express reference to Skirlaw's will, which being incorporated into the statutes, and enjoined by them to be read at the election as the rule of proceeding, enabled the College in 1838 to return to the Founder's intention, and to restore the proper description of the Fellowships, as open Fellowships, to the Oxford Calendar. This interpretation was sanctioned by the Visitor in 1851.

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The restriction of the last foundation to be noticed, that of Sir S. Bennett, seems to have been a consequence of the restriction of the others. He left no regulations for his bequest; but apparently it was thought that, were the Fellowships left open, they would be absorbed into the northern counties, as had been the case previously with the two open foundations of William of Durham and Walter Skirlaw. Accordingly it was confined by the College to natives of the province of Canterbury, a term of which the signification and intention is pointedly expressed by the addition *sive ex australibus partibus regni*. The object clearly was not to favour the province of Canterbury, but to prevent an exclusive appropriation of the College by the province of York.

12. If the statutes give a "preference" to certain candidates, how do you interpret such preference?

Preferences.

12. The "preference," in the only cases where it is mentioned in the statutes, may best be judged by examples.

In the Percy Fellowships the three actual Percy Fellows are natives of Northumberland, (Northumberland having a *cæteris paribus* preference over York and Carlisle.)

In the William of Durham Fellowships the two actual Fellows are natives of Bedfordshire and Lincoln.

In the Skirlaw Fellowships two of the actual Fellows are natives of Yorkshire, and one is a native of Cheshire.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

Examinations.

14. Yes. By "merit" is understood, in the case of Fellowships, such intellectual and moral qualifications as will make it likely for a man to promote the cause of education in the College. Whenever there is a competition it is tested by examination, and superiority in the examination always carries the day, unless there be any decided moral objection or any peculiar want (as of a Mathematical Tutor or the like) in the tuition of the College, which necessitates peculiar qualities. The claims of greater poverty weigh more or less, according to the view which individuals may take of the change of circumstances in the Fellowships, since the time when they were meant to be eleemosynary.

The Scholarships are given away purely by examination (on the production of certificates of good conduct from school or College) except in the case of the Bennett Scholarships, where from their connexion with the Fellowships, the same general considerations (to a certain extent) operate as have been mentioned in regard to the Fellowships.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

Connexion of Scholarships and Fellowships.

15. There is no statutable connexion except on the Bennett Foundation (see answer 9). In that Foundation only is there any connexion in practice; and that connexion is strictly statutable, unless it be that there is a tendency to elect the senior Scholar. This is, however, by no means inevitable, and operates chiefly in cases where, from a general equality, seniority comes in to turn the scale.

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

Higher Degrees.

17. Not by the present statutes. The William of Durham Fellows were obliged, by the 3rd Code of 1311, to proceed to higher Degrees in Divinity (see Smith's Annals, p. 49).

18. Do your statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

Increase of Fellowships.

18. Not now. It was enjoined (but evidently without effect) in Art. XIV. of the Statutes of 1311 (see Smith's Annals, p. 14). It may here be noticed that William of Durham contemplated twelve or more Masters to be maintained out of his property (see the Statutes of 1280, in Smith's Annals, p. 17). There never have been more than four, and those four have long been reduced to two by the absorption of two Fellowships into the revenues of the Senior Socius, or Master.

19. Do your statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your statutes on which such permission or prohibition rests?

Commoners.

19. The present Statutes imply Commoners throughout. The Statutes of 1280 and 1311 make no mention of them. The Statutes of 1292 allude to them as follows. "Since the aforesaid Scholars have not sufficiently to live handsomely alone by themselves, but that it is expedient that other honest persons dwell with them; it is ordained, that every Fellow shall secretly inquire concerning the manners of every one that desires to sojourn with them, and then if they please, by common consent, let him be received under this condition—that before them he shall promise, whilst he lives with them, that he will honestly observe the customs of the Fellows of the House, pay his dues, not hurt any of the things belonging to the House, either by himself, or those that belong to him. And this shall be performed every year before Whitsuntide, if it can be done conveniently, lest the house should be any way worsted, or lessened by them." (Smith's Annals, p. 41.)

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

Property disqualification.

20. 80*l.* a year. It is only enforced in the case of real property.

21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

21. The Master must be in priest's orders, both by the present Statutes and according to Art. X. of the Statutes of 1311. The Percy Fellows are required by the Founder's will to be in orders, but have never been required to be so under the present Statutes. The Skirlaw

Fellows must be in Deacon's orders before they become actual Fellows. ("In sacerdotio constitutus" was so interpreted by the Visitor in an Appeal case, 1847.) The Bennett Fellows must have two clergymen amongst them.

The William of Durham Fellows are enjoined to study sacred theology. This was the purpose of the original foundation of William, and from this it has been sometimes concluded that they ought to enter holy orders. Such, however, has not been the practice, nor is it the necessary view. The specification as to the *Senior* Fellow in Art. X. of the Statutes of 1311 rather indicates the contrary, and so also does Art. IX., which specifies that they shall *cause* masses to be said for the Founder. The Skirlaw Fellows were, doubtless, required to be in priest's orders formerly for the sake of saying mass, for which purpose they were established.

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

22. Masters of Arts are preferred for the foundations of William of Durham and Walter Skirlaw. Undergraduates are not excluded from the Bennett Fellowships. Academical restrictions

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

23. Not clergymen from any. Laymen only from *actual* Fellowships, in the case of the Skirlaw foundation, and there cannot be more than two laymen on the Bennett foundation at once. But as to the mode in which dispensation is granted to the others, see Answer 4. Exclusions.

24. Are Fellows or other members on your Foundation allowed by statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

24. By Skirlaw's will the Skirlaw Fellows were forbidden to hold livings. By the present Statutes of 1736 they are allowed, on the ground that the ancient reason for the prohibition (saying masses) appears to the Crown to be null. Ecclesiastical preferments.

25. What statutable restrictions limit the selection of your Head?

25. He must have been a member, and if possible, a Fellow of the College, but, if two-thirds of the Fellows agree, he may be elected from any place. Election of the Head.

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

26. Twelve benefices. Benefices.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the statutes allow any special liberty of choice in the Fellowships so connected?

27. No. Prælectorships.

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

28. Not exclusively. Schools.

29. Will you quote the clauses of your statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the statutes, or to make new statutes or ordinances?

29. The Visitor of the College is the Lord High Chancellor or Keeper of the Great Seal. He has power to explain and interpret, but not to alter; nor has he exercised this power to make new statutes or to relieve the College from the observance of the statutes. But the *King in Council* as *Founder* of the College (see Answer 2), gave the College its present statutes in 1736. Visitor.

30. Are Gentleman-commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons *in statû pupillari*? To what charges are they liable, beyond those borne by other independent members?

30. For some ten years there have been no Gentleman-Commoners in University College, nor are there likely to be again. (The only exception has been that for two months Dr. Trithen, the Taylor Professor, was in the College as a Gentleman-Commoner previous to receiving his honorary Degree of M.A.) Gentleman-Commoners.

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

31. Four exhibitions of 15*l.* per annum and rooms are given to natives of Kent, elected by the Master and Fellows from the Grammar Schools of Rochester and Maidstone. Exhibitions.

Two exhibitions of 20*l.* per annum are given to Undergraduate members of the College by the heirs of Robert Dudley, Earl of Leicester.

Two exhibitions of 8*l.* per annum, from a bequest of Lady Holford, are given to Exhibitioners from Charterhouse, if they come to University College.

I do not know of any others at this moment except one of 60*l.* per annum for seven years, from the Trustees of Rugby School, and one from the Goldsmiths' Company.

32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible-clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

32. There is one Bible-clerk, whose stipend is as follows:— Bible-clerk.

	£.	s.	d.
Farina (*i. e.* bread, &c.)	2	15	3½
Chapel bill (*i. e.* fees from other members of the College for keeping a record of attendance and non-attendance, for repeating the responses and for reading the lessons, (if there is no Scholar present) . .	70	4	6
Carried forward . . .	£72	19	9½

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	£.	s.	d.
Brought forward	72	19	9½
Statutable stipend, as "Bibliothista" . . .	1	10	0
Admission fees	2	2	0
An exhibition (left by Dr. Lodge for Servitors in the College, a class which does not exist) . . .	10	0	0
Total . . .	£86	11	9½

He is, besides, exempted from the College fees for the Degree of B. A., but not for that of M.A. His duties (besides those stated above) consist in copying out College testimonials, testimonials for holy orders, and the like.

He is chosen by the Master, usually on recommendations and certificates of good character and poverty, but, in the present year, after an examination. He is usually the son of a clergyman. He wears a scholar's gown. As there is but one "Bibliothista" mentioned in the Statutes, I do not suppose there were ever more.

Dr. Lodge's bequest seems to imply that there had been Servitors.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

Tutors.

33. There are—

Three Tutors.
One Mathematical Lecturer.
At the present time an Assistant-Lecturer has, since the beginning of Michaelmas Term, 1849, taken a great part of the Lectures of the Senior Tutor.

The Mathematical Lecturer and the Assistant-Lecturer are not formally known by the name of Tutors. The College Statutes do not contemplate Tutors, but a Catechist and Prælectors of Greek, Latin, and Logic. These offices are always distributed (with their emoluments, which are small) by the College once a-year amongst the different Tutors and Lecturers, and are thus distinguished from the Tutorships, to which the appointment is in the hands of the Master alone, or (according to the Statutes of the University) more strictly of the Master and Vice-Chancellor conjointly. The Master from time to time inspects Essays sent in by the Undergraduate members, and takes part in the Terminal Examinations.

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. None. All reside in College, except the Mathematical Lecturer, who is Savilian Professor of Astronomy.

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

Lectures.

35. The Tutors arrange amongst themselves to take the subjects for which they feel themselves best fitted; one takes History, another Ethics and the like, another Scholarship, &c.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. Lectures are given for 8 weeks in each term, *i. e.*, for 24 weeks in the year. The average number is 50 in the week. A system of subjects has been established, as follows:—

For Candidates for Honours.

Thucydides (the whole, or nearly so) for the first two years.
Herodotus (in one year).
Livy I.—X. (in another year).
Tacitus's Histories (in a third year).
} These years do not necessarily follow in the order here given.
Aristotle's Ethics (in the second year).
Aristotle's Rhetoric,
or,
Aristotle's Politics,
} In the third year.
Homer's Odyssey.
Some plays of Æschylus.
Some plays of Aristophanes.
Butler's Analogy.
Aristotle's Organon.
Some of Juvenal's Satires.
General Lectures in Greek and Roman history within the periods comprised in the order above specified.

For Candidates for an ordinary Degree.

Four Plays of Sophocles.
Livy XXI., XXII.
Herodotus VI.—VIII.
Thucydides, in part, or in whole.
Virgil or Horace.
Cicero's Tusculan Disputations, or,
Plato's Phædo.
Sallust.

The above distinction between the Candidates for an ordinary Degree and for Honours is given here for the sake of convenience, but many who only take an ordinary Degree attend some or all of the Lectures spoken of as intended for Classmen.

For all.

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A course of Lectures in the Old Testament (extending over two years).
Two of the Gospels.
The Acts of the Apostles.
The XXXIX. Articles (in the third year). Also, occasionally, Lectures in the third year on the Epistles of St. Paul.

Under the old Examination Statute all were obliged to attend (previously to Responsions) either Euclid or Logic.

Until the adoption of the recent Examination Statute, and the consequent direct connexion of the Lectures of the Professor of Modern History with the studies of the place, it was the practice of the present Senior Tutor to deliver one Lecture a-week on Modern History to those who chose to attend.

With the Mathematical Lecturer, who delivers 11 Lectures a-week, there is—

A Class of 3, three times a-week, in Mechanics.
A Class of 2, three times a-week, in the Integral Calculus.
A Class of 1, three times a-week, in Optics.
A Class of 1, twice a-week, in Conic Sections.

The above statement of Mathematical Lectures is a fair average as to numbers, rather above the average as to subjects.

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

37. No; they are recommended often to attend Lectures connected with their studies, but not compelled. Professor's Lectures.

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

38. Three members of the Foundation (Fellows), for Scholarships and Honours. One independent member for Responsions and ordinary Degrees. Private Tutors.

39. Can you state how many Undergraduate members of your Society are now reading with private Tutors?

39. About eight for Honours or Scholarships; about eight for Responsions or ordinary Degrees.

40. What attendance at Chapel is required by your statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

40. Attendance at chapel twice a day is required from all, Fellows or others, who are "commorantes" in the College (except some reasonable cause interfere), with such mulcts or penalties as the Master or Vice-Master may think fit to impose for non-attendance, or for coming in after the end of the Absolution, or for going out before the end of the Service. Attendance at Chapel.

At present no attendance is required from the Fellows, nor is any penalty attached to their non-attendance. The attendance required from Undergraduates is twice on Sunday, and about five times (morning or evening) on week days. If an Undergraduate is irregular in his attendance, he is admonished by the Dean; and if his irregularity is very great he is confined to the College walls, or (in extreme cases) loses his Term. The attendance on Sunday is under the supervision of the Master.

Attendance at chapel is not now enforced as a punishment in any case.

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

41. The religious instruction given in Lectures has been specified under Question 36. There is besides a short sermon of a practical nature delivered by the Dean in Chapel twice in the Michaelmas Term, and on the Sunday preceding the Administration of the Holy Communion in the two other Terms. These are the only regular sources of religious instruction. What else may be given in the way of admonition or advice must depend on the individual Master or Tutor. Religious instruction.

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

42. On a computation of the battels of each independent member of the College for 1849, it appears that the average amount is 103*l.* 9*s.*, *i. e.*— Expenses.

	£.	*s.*	*d.*
For general battels . .	71	10	9
For room-rent . . .	10	10	0
For tuition	21	0	0

The highest amount in 1849 was 128*l.* 10*s.*, *i. e.*—

For general battels . .	97	0	0
For room-rent . . .	10	10	0
For tuition	21	0	0

The lowest was 85*l.* 6*s.* 11*d.*, *i. e.*—

For general battels . .	53	16	11
For room-rent . . .	10	10	0
For tuition	21	0	0

The tuition-fees extend over three years.* (See next page.)

44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

44. On applying to the Undergraduate whose College battels were lowest in 1849, and who has since graduated, it appears that his usual expenses in Oxford per annum were 170*l.*, and

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that his total expenses from the time of his coming into residence to his degree, which he took in his 4th year, were 544*l.* To this, if we add his caution money and matriculation fees, it will be in round numbers 600*l.* This calculation excludes private tuition and travelling.

The following was the expenses of another Undergraduate for three years—1848, 1849, 1850 :—

	£.	s.	d.	
	430	8	4	at Oxford.
	98	5	6	journeys and vacations.
Total	535	8	10	
Deduct	20	0	0	for furniture on leaving rooms.
	515	8	10	

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

Library.

46. The College library is open to all members; 10*s.* is the fee paid by each member on entrance. The effect is certainly very good.

47. What number of Undergraduates is your College capable of accommodating?

Numbers.

47. Fifty-one Undergraduates.

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* MICHAELMAS QUARTER, 9 Weeks, 1849.

From to

Mr.

	£.	s.	d.	Weekly Battels.		
Dinners in Hall	4	17	6	0	10	6
Battels in Kitchen	4	19	11	0	17	10
Battels in Buttery	3	6	10	0	8	6
Buttery Dues, Writing Accounts, Cleaning Knives, &c.	0	14	6	0	1	6
Aroma (Mustard, Pepper, Salt, &c.)	0	5	3	0	0	7
Chapel Bill (for Bible Clerk's Fees)	0	9	6	0	0	6
Gate Bill	0	5	3	0	0	6
Letter Bill (½*d.* a letter for Porter)	0	0	9	0	0	0½
Sconces		..			..	
University Dues	0	8	9		..	
Coals, Fagots, Sweeping Chimneys	2	9	2	0	4	6
Candles (for Staircase)	0	8	0	0	0	8
Laundress (fixed sum)	1	10	0			
Tonsor		..				
Assessed Taxes		..				
College Dues. Current Expenses, &c.	2	10	2			
College Dues	1	0	0			
Kitchen	0	5	0			
Servants	1	0	0			
Kitchen Women	0	5	2			
Glazier's Bill	0	3	6			
Whitesmith's Bill	0	9	0			
	22	18	1			
Room Rent	2	12	6			
Tuition	5	5	0			
	30	15	7			

P.S. Since these answers were written, the College has appointed a Committee to submit to the Crown a revision of the whole body of the present statutes.

A. P. STANLEY.

Fellow and Senior Tutor of University College.

BALLIOL COLLEGE.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

Very Rev. R. Jenkyns, D.D., Master of Balliol.

My Lord and Gentlemen, *Balliol College, Oxford, October* 29, 1850.

I have the honour to acknowledge the receipt of a copy of the Commission of Inquiry into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford; and in the capacity of Master of Balliol College I beg respectfully to say that the visitatorial authority, to which I hold myself responsible on the specified points of inquiry, is the Lord Bishop of Lincoln.

I am, my Lord and Gentlemen,
Your most obedient and faithful servant,
R. JENKYNS.

To the Lord Bishop of Norwich, and other Her Majesty's Commissioners, &c.

To Letter II. of Her Majesty's Commissioners the following Answers were received:—

Sir, *Balliol College, November* 30, 1850.

I beg leave to acknowledge the receipt of your letter, containing a series of questions from Her Majesty's Commissioners for the University of Oxford, relative to the pecuniary affairs of this College, and also desiring me to furnish them with a copy of our statutes, and with any decrees made by the Visitor.

These points of inquiry have always been considered matters which we are bound by the solemn obligation of an oath, taken upon our admission, *not* to divulge, and I, therefore, have to say that neither the College nor myself are at liberty either to supply the information required, or to furnish you with a copy of our statutes, or the decrees made by the Visitor.

To the Visitor alone do I hold myself responsible for such explanation of our affairs.

I have the honour to be, Sir,
Your most obedient Servant,
R. JENKYNS, *Master of Balliol.*

The Rev. A. P. Stanley, Secretary to the Commissioners for the University of Oxford, &c. &c. &c.

Sir, *Balliol College, December* 1. *Rev. W. C. Lake.*

A communication from you was recently laid before the Society of Balliol College, in which, as Secretary to the Commission for the University of Oxford, you requested us to furnish you with information on points connected with our incomes and statutes.

It was then agreed by the Society that, while it did not authorize its members, as College officers, to furnish such information, it allowed them as individual Fellows to exhibit to the Commissioners any books which might be in their possession relative to the affairs of the College, or to make extracts from them.

I, therefore, have no objection, whenever you may require it, to submit to your inspection either a copy of the statutes which I happen to have in my possession as Dean, or extracts from it on any subject which you may specify.

I remain, Sir,
Your obedient Servant,
W. C. LAKE, *Fellow of Balliol College.*

Sir, *Balliol, Oxford, December* 1, 1850. *Rev. Henry Wall.*

The Fellows of my College have been, by a vote of the Society, allowed as individuals to exhibit, for the information of the Oxford University Commissioners, any books, or extracts from books, relating to the concerns of the College, although it has been decided not to authorize any College officer to give this assistance on the part of the corporate body.

As an individual Fellow, and happening to be a Bursar, I beg to say that I have no objection to give the Commissioners any information in my power, either about the pecuniary or other concerns of Balliol.

I remain, Sir,
Your faithful Servant,
HENRY WALL.

Rev. A. P. Stanley, &c. &c.

STATEMENT of the INCOME of BALLIOL, and its APPROPRIATION, for the Year 1850.

RECEIVED.	£.	s.	d.	PAID.	£.	s.	d.
From Quit-rents	2	6	2	Allocations to Domus	£654	11	5
Reserved Rent of Houses on Lease, with Fine £21 7 0				Domus Share of Dividend as a Fellow	185	16	3½
Do. of three Farms, do. 163 0 0					840	7	8½
	184	7	0	From Funded Money, as on other side:—			
One House and sundry Farms, on rack-rent, with Lease	1,956	14	6	Preacher to College Servants	15	13	8
Sundry tenements on rack-rent without Lease	148	0	0	College Prize to Undergraduates	7	4	1½
Sundry Lands, do. do.	1,346	2	0	Reward to meritorious College Servants	6	9	4
Tithes	1,150	0	0	Headlam Exhibition	13	8	0
Rent-charges	64	14	6	Allocation to Library	8	1	4
Small Funded Sums on General Account	12	0	0		50	16	5½
Sums Funded for various specific purposes	51	8	10½	Other Allocations to the Library	7	0	0
Corn-rents	172	14	2½	Stipends of College Officers	66	6	8
Capons	1	0	0	Stipend of Mathematical Lecturer	30	0	0
Members of the College for Room-rent	596	18	0	Stipend of Logic Lecturer	30	0	0
Do. for Hall and Kitchen Fire, and Sundries	319	3	3	Paid for Scholars' Tuition	77	14	0
Degree Fees	58	10	0	Domus Battels (Dinners to Tenants, &c.)	11	7	2
	6,063	18	6	Commons of the Master at 14*s*, of the Fellows at 12*s*., and of Scholars at 10*s*. per week, according to residence	330	18	0
Income Tax	167	8	7	Stipends of the Master and Fellows, according to Statutes, at 10*s*. 4*d*. for M.A. and 9*s*. 1*d*. for B.A. per Year	13	3	8
				Payment to Master and Fellows as Commemoration Money, at 2*s*. 5*d*. each per Year	1	11	5
				Portion of Exhibitions appropriated to Master by Wills or Decrees	31	14	10
				Other small Payments to the Master	1	13	4
				Payment to Ten Exhibitioners of Mr. Snell	1,092	3	8
				Payment to other Exhibitioners	343	18	10
				Stipends of Servants, Oil, Chapel Candles, Gas, and other contingent Expenses	295	18	0
				Rent Collectors, Abatements from Rent	58	2	1
				Presents of Books to Undergraduates obtaining Honours	12	7	9
				Balance divided among the Master and twelve Fellows, with two Shares to the Master*	2,601	6	4
£	5,896	9	11	£	5,896	9	11

* In addition to the double Fellowship, the Master receives annually 300*l*. from the Rectory of Huntspill, in Somersetshire.

The Bursars of Balliol College.

Besides the income stated above, the following sums are invested in Government securities:—

1st. A sum amounting to about 10,000*l*., the interest of which is *appropriated by will* of Mrs. Williams to the improvement of our small livings.

2nd. A sum amounting to about 20,000*l*. on Domus Account, being the aggregate of sums reserved from rents. But of this, about 5,000*l*. arises from coal-mines in Northumberland; the proceeds from which have not been divided by the Society, but have been reserved with a view to future improvements. The balance, about 15,000*l*., has been funded and left to accumulate, by its own interest and by further yearly allocations, as specified above, for the benefit of Domus.

3rd. There is an annual income of about 90*l*. arising from Caution monies, and this is likewise allowed to accumulate.

4th. There is also an annual income of about 50*l*. a-year, besides the allocations mentioned in the above statement, arising in part from payments of members of the College and appropriated to the Library, and a similar annual income arising wholly from payments of members of the College appropriated to the Chapel.

HENRY WALL,
B. JOWETT, } *Bursars.*

To Letter III. of Her Majesty's Commissioners the following Answers were received:—

1. Is your Society governed by statutes? If not, are there any orders or rules by which it is governed?
2. If the Society is governed by statutes, were those statutes given by the Founder? Are the original statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered.

Statutes and Founder.

1, 2. Governed by statutes, not given by the Founder, no part of the original statutes being in force. The present statutes were framed by the Bishops of Winchester and Carlisle, in pursuance of letters from Pope Julius the Second, A.D. 1507.

3. Is there any provision in your present statutes for their alteration or amendment; or was there, in your original statutes, any such provision?

Alteration.

3. No express provision occurs in the original statutes for their amendment. In the statutes now in force such a provision is contained in the words, "Committimus (Visitatori) ut quæ his statutis non erunt contraria cum consensu magistri et omnium sociorum condat edat addat, si urgeat necessitas aut exegerit utilitas."—See Statute "de Visitatoris Auctoritate."

4. Will you state in what respects, if any, your statutes have ceased to be observed, whether owing to lapse of time or other causes?

Non-observance of Statute.

4. In points (1) which are illegal, such as masses; (2) which the custom of the University has rendered obsolete, such as disputations and exercises for Degrees; (3) in some minor points, such as reading the Bible at meals, the times of attendance at chapel, the hour of closing the College gates, &c.; (4) in respect of money disqualification for a Fellowship, see Answer 20; (5) in respect of residence, for which, however, the statutes allow of dispensation. The words of the Statute "de Magistri Residentiâ" are, "Quamobrem decernimus ut Magister dicti Collegii, quicunque fuerit, in eodem resideat continuè, aut maxima ex parte si commodè poterit;" of the Statute "de Sociorum Residentiâ," "Statuimus ut Socii nostri

BALLIOL COLLEGE.

Rev. H. Wall.
Rev. B. Jowett.

Collegii in eodem continuè resideant præterquam octo in singulis annis septimanis, amputando septimanas et dies conjunctas vel interruptas; quas quidem octo septimanas extra terminos illis concedimus, infra verò terminos nullum absentiæ tempus eis annuimus nisi causa honesta probata aut probanda coram Magistro aut ejus vicario duobusque senioribus, non numerando in prædictis octo septimanis tempus quod in negotiis fortasse Collegii sunt assumpturi tales enim absentes esse non dicimus. Attamen consumptis his diebus, urgente gravi et honesta causa coram Magistro et tribus senioribus approbata, amplius spatium secundum causæ qualitatem ex eorum conscientiis non denegamus." In respect of the last-mentioned statute, the practice has been to grant a yearly permission to any Fellow who wishes to be absent.

5. In what cases is the non-residence of your Head or your Fellows permitted by the statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

5. Four Fellows are at present non-resident.

6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Member of the Foundation, besides the Head?

Residence of Fellows.

6. Our statutes being framed in Roman Catholic times, the marriage neither of Head or Fellows was contemplated, and no allusion is made to it. Custom appears to have sanctioned the marriage of the Head.

Marriage.

7. Does the College consist of several Foundations? If so, do the Fellows on the several Foundations enjoy the same rights and advantages?

7. The College consists of several foundations, the Members of which are in their emoluments and privileges equal, the only difference of any kind being that the two Fellows on the Blundell Foundation are elected from the Scholars of Blundell School, and hold their Fellowship for 10 years only from their Master's Degree.

Variety of Foundations.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

9. Of twelve Fellowships, eight are entirely open: two others, the Chaplain Fellowships, are restricted to persons in Priests' Orders at the time of their election, and two are confined to the Scholars from Blundell School. The Scholarships (with the exception of the two from Blundell's School) are all open, with no other restriction than that of age, which by the Statutes is limited to 18 years, but by a subsequent Statute of the Visitor, Master, and Fellows, is extended to 19 years.

Restrictions on Fellowships.

Scholarships.

Exhibitions:—

Exhibitions.

Harris: Two exhibitions, 15*l.* each, tenable for 10 years. Preference for freemen of Oxford, then for inhabitants, then for the county.

Headlam: One exhibition, 13*l.* 8*s.*, tenable for 7 years. Preference for kin, then open.

Newte: One exhibition, 36*l.* 10*s.*, tenable for 7 years. The Exhibitioner is chosen out of Blundell's School by the three Rectors of Tiverton.

Blagdon: One exhibition, value 13*s.* a-week, according to residence, tenable for 14 years. Restricted first to Founder's kin, next to any person of the name of Blagdon, and next to any person of the county of Devon.

Maunder: One exhibition, 1*l.* 4*s.* 6*d.* a-week, according to residence. Qualifications the same as Blagdon's. Preference for Founder's kin, or failing that, for any person of the county of Somerset.

Elsworth: Two exhibitions, 15*l.* 10*s.* 8*d.* each, tenable for 7 years. Preference for parishes of Timbercombe, Catscombe, Selworthy, Wootten Courtney, Minehead, and Dunster, and, failing these, the county of Somerset.

Edgcumbe: Two exhibitions, 15*l.* each, tenable for 10 years. Preference for the Free-school of Hanley Castle, in the county of Worcester; next, for any other persons of the county of Worcester. Failing these, then open.

Greaves: Two exhibitions, 43*l.* 14*s.* each, tenable for 10 years. Preference for the Free-school of Ludlow, in the county of Salop, then for any other school in the county of Salop.

Warner: One exhibition for natives of Scotland, in the gift of the Archbishop of Canterbury. 20*l.*, tenable for seven years.

Bell: Two exhibitions, value 58*l.* 3*s.* 10*d.* a-year each, in the gift of the Master.

Snell: Ten exhibitions, 116*l.* 10*s.* each, tenable for 10 years. Nominated by the Principal and Professors of the University of Glasgow from Glasgow College.

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the statutes allow for opening the Foundation?

11. The Fellows were formerly by custom elected from the Scholars, and these latter statutably nominated by the Master and Fellows in rotation. The custom of restricting the election of Fellows was abandoned about 35 years ago, and 10 years later the Master and Fellows relinquished their power of nomination, in order to throw open the Scholarships for competition.

Opening of the Fellowships and Scholarships.

12. If the statutes give a "preference" to certain candidates, how do you interpret such preference?

12. In the election to Fellowships, the statutes give a preference to the Scholars "Si cum extraneis æquari possunt præferri volumus et mandamus." We know of no case in which a Scholar has been elected who was not thought at least equal to his competitors.

Preferences.

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

13. We are not inclined to think that restrictions of any kind are really beneficial to any one.

Restrictions.

BALLIOL COLLEGE.

Rev. H. Wall.
Rev. B. Jowett.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

Examinations.

14. All our Fellowships and Scholarships are tested by examinations; and, with the exception of Blundell's, are decided by competition.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

15. See Answer to Question 11.

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

Higher Degrees.

17. No.

18. Do your statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

Increase of Fellowships.

18. The statutes do so enjoin: see Statute "de Numero Sociorum." It has been customary in times past to suppress Fellowships on particular emergencies with the consent of the Visitor, not to increase their number: and such increase of number out of the present funds of the College we do not think would be beneficial. One of the original foundation appears to have been permanently suppressed (it may be superseded), but of the time or circumstances we can trace no record.

19. Do your statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your statutes on which such permission or prohibition rests?

Commoners.

19. Yes: see Statute "de Extraneis ad Convictum Recipiendis."

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

Property disqualification.

20. According to the Statutes, a person is ineligible as a Fellow who is possessed of a sum above 40*s.* a-year: see Statute "de Eligibilis et probandi Circumstantiis." This statute is not enforced. The general feeling would, we think, be averse to the election of a person actually possessed of considerable property.

21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

21. The Head is required to be in Orders, see Statute "de Magistri Qualitate." The Fellows are required to take orders within four years from the time that they are of M.A. standing. See Statute "de Promotione ad Sacerdotium."

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

Academical restrictions.

22. Except in the case of Scholars, they are confined to B.A.'s.

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

Exclusions.

23. Neither are excluded except in the case of the Chaplain Fellowships.

24. Are Fellows or other members on your Foundation allowed by statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

Ecclesiastical preferments.

24. They are prohibited by statute: this statute is not held to apply to curacies or very small preferments.

25. What statutable restrictions limit the selection of your Head?

Election of Head.

25. The Headship is not restricted either to Members of the College or of the University. For the particular qualifications, see Statute "de Magistri Qualitate."

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

Advowsons.

26. We have no fund for the purchase of advowsons.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the statutes allow any special liberty of choice in the Fellowships so connected?

Prælectorships.

27. No.

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

Schools.

28. No.

29. Will you quote the clauses of your statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the statutes, or to make new statutes or ordinances?

Visitor.

29. The provisions of the Statute "de Visitatoris Auctoritate" are as follows:—"Perit nemo citiùs quàm qui renuit medici obtemperare præceptis: ne igitur ægrotus in hoc Collegio quisquam sua sponte elabatur ad perniciem, eum authoritati Visitatoris subjicimus, statuentes ut per eum admittatur dicti Collegii Magister, potestatem habeat semel in anno per se aut commissarium, Magistrum, Socios, aliosque in dicto Collegio visitandi, et alias quoties per Magistrum majoremque partem Sociorum fuerit requisitus. Petimusque tamen ab eo vehementèr ut laborem non recuset, licet nullum consequatur lucrum, à Deo omnipotenti longè præclarius accepturus munus; cui, visitatione durante, omnem jurisdictionem et correctionem committimus, ut Magistrum, Socios aliosque in Collegio morantes, pensata gravitate delinquentis et delicti puniat et corrigat; et quæ his statutis non erunt contraria cum consensu Magistri et omnium Sociorum condat, edat, addat, si urgeat necessitas aut exigerit utilitas. In criminibus autem quæ Magistri expulsionem requirerent, volumus ut majoris partis Sociorum sibi adjungat assensum. In expulsione vero Socii, Magistri et trium seniorum assensu concentus præcedat, appellationi aut recusationi minimè cedens. Si verò in his statutis nostris obscurum aliquod aut ambiguum occurrat, de quo oriatur contentio quodque meritò egeat interpretatione, volumus ut referatur illud obscurum ad Visitatorem, Magistrum et duos seniores, quorum interpretationem perpetuò fore validam firmamque sancimus. Et nos

Richardus Episcopus Winton. judex delegatus antedictus, Magistrum et Scholares, sive Socios Collegii antedicti ab observatione aliorum statutorum ad quorum observantium iidem Magister, Socii et Scholares fuerunt juramento astricti, authoritate apostolica nobis in hac parte commissa, absolvimus, illaque et alia quæcunque statuta in hoc volumine non inserta cassamus, irritamus et annullamus, ac pro casis irritis et nullis declaramus."—Yes; such interposition was used in the opening of the Scholarships, which was confirmed by a new statute A.D. 1832.

BALLIOL COLLEGE.

Rev. H. Wall.
Rev. B. Jowett.

30. Are Gentleman-Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons *in statû pupillari*? To what charges are they liable, beyond those borne by other independent members?

Gentleman-Commoners.

30. We have no Gentleman-Commoners.

32. How many persons are supported, wholly or in part, in your Society as Battellers, Servitors, Bible-clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

Bible-clerks.

32. We have none. We think such distinctions injurious.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

Tutors.

33. Three Tutors, an Assistant Tutor, a Mathematical Lecturer, and a Catechetical Lecturer. The Head of the College does not lecture, but overlooks exercises, and takes an active part in the Terminal Examinations.

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. No; there are no such Tutors. All reside in College.

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

Lectures.

35. There is a division of labour; not, however, so carried out as absolutely to confine a Tutor to a particular range of subjects.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. Lectures are given, on the average, during 25 weeks in the year, nearly three more weeks being taken up by examinations. The average number of lectures in a week is about 50, exclusive of the Mathematical ones. The subjects of Divinity Lectures are: 1. the Old Testament, or the Articles, or Liturgy; 2, the Gospels or Acts; 3, the Epistles. Of Philosophical Lectures: 1, Aristotle's Ethics; 2, Rhetoric, or Politics; 3, Plato, or the History of Philosophy, or Bacon's Novum Organum; 4, Logic. Of Historical Lectures: 1, Livy; 2, Tacitus; 3, Herodotus; 4, Thucydides. Of Scholarship Lectures: 1, Homer; 2. Greek Plays; 3, Cicero; 4, Greek or Latin Composition. Lectures are also given in Modern History or Political Economy. The Mathematical Lectures embrace the subjects usually taken up for Examinations. The number of Undergraduates who attend Mathematical Lectures beyond Euclid and Algebra is 14.

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

Professor's Lectures.

37. They are not required.

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

Private Tutors.

38. Two Fellows, two Scholars, and about two other Members of the College are so engaged.

40. What attendance at Chapel is required by your statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

Attendance at chapel.

40. The Statutes require attendance at chapel five times a-day: see Statute "de cultu Dei." The attendance expected is twice on Sunday, and once on week-days. Attendance at Chapel is never enforced as a punishment.

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in Chapel, and instruction given in other ways?

Religious instruction.

41. In addition to the Divinity Lectures mentioned above (Answer 36), a Catechetical Lecture is given in Chapel every Sunday afternoon. It has been customary also for each Tutor to address his own Pupils privately once a-term, previous to their receiving the Communion.

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849.

Expenses.

42. The average amount of battels may be reckoned at about 78*l.* a-year. In the year 1849 the highest amount of battels was 92*l.* 12*s.*, the lowest 65*l.* 1?*s.*

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

Library.

46. The Library is open to all. A portion of the fees paid to the College for Degrees, amounting to 14*s.* 4*d.* for B.A.'s and 1*l.* 1*s.* 6*d.* for M.A.'s, is appropriated to its support.

47. What number of Undergraduates is your College capable of accommodating?

Numbers.

47. About 70.

H. WALL. *Senior Bursar.*
B. JOWETT. *Junior Bursar and Tutor.*

MERTON COLLEGE.

MERTON COLLEGE.

Robert B. Marsham, D.C.L. Warden of Merton.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

MY LORD BISHOP, *Merton College, 1st November* 1850.

I HAVE the honour to acknowledge the receipt of your Lordship's letter bearing date the 21st October, which was received by me on the 27th, enclosing a copy of the Commission under which Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford act, and expressing a hope that I should assist them in executing Her Majesty's commands by furnishing such information as may be within my power.

I have the honour to state, in reply, that I am not disposed to withhold from the Commissioners any information which I can conscientiously afford.

I have the honour to be, my Lord Bishop,
Your obedient Servant,
ROBT. BULLOCK MARSHAM,
Warden of Merton.

To Letter II. of Her Majesty's Commissioners the following Answer was received:—

Merton College, Oxford, 17th February 1851.

THE Warden and Fellows of Merton College present their respectful compliments to Her Majesty's Commissioners for the University of Oxford, and beg to acknowledge the receipt of their letter dated Downing-street, November 1850, requesting to be furnished with information on certain matters therein specified, relating to their College, and with a copy of their statutes, and of any Decrees made by their Visitors.

The Warden and Fellows of Merton College desire in the first instance to state that, relying as well upon the form and tenor of the letter above mentioned as also upon the statements and declarations as to the nature and objects of the present Royal Commission which have been publicly made by the First Minister of the Crown, they regard the foregoing application as neither asserting nor in any way implying a claim on the part of the Crown to exercise a compulsory or visitatorial power over their Society, but only as an invitation (which they are free either to accept or to decline) voluntarily to give such information upon the matters inquired into as they may deem it consistent with their duty to the College to afford. Regarding it in this view, whilst, on the one hand, they are unwilling to produce or to sanction the publication of any of their documents, they are, on the other hand, not disposed to withhold information as to the existing state of their College, and therefore submit the following reply to the specific inquiries made by Her Majesty's Commissioners.

Documents.

Revenues.

The property of the College consists principally of manors, of freehold lands and houses, and of tithes, or tithe-rent-charges.

The freehold lands and tithes are, for the most part, let on leases for terms of 21 years, reserving rents in corn and money, and renewable every seven years on payment of fines.

The freehold house property is similarly dealt with, except only that in such cases the terms are 40 years, and the period of renewal after the expiration of 14.

The fines on renewal are set on the principle of the College taking, in the case of lands or tithes, renewed for 21 years after the lapse of 7, one year and three-quarters' purchase, and in the case of houses, renewed for 40 years after the lapse of 14, one year and one-quarter's purchase, of the estimated rack-rent value of the estate, after deducting the amount of the reserved rent.

The remainder of the freehold lands and houses are let at rack-rent, and the remainder of the tithes are in the hands of the College, with the exception of such portions of the latter as, being customarily granted in augmentation of ecclesiastical benefices, form no addition to the disposable income of the College.

The copyhold property, held under the College as lords of its several manors, is either of inheritance, on lives, or for terms of years, and fines and heriots are payable according to the custom of each manor on death or alienation, and on renewal of lives or terms of years. Small annual quit-rents are also paid.

The College possesses also some sums of money in the funds, the produce of sales of land effected under railway or other Acts of Parliament, and invested either under the direction of the Court of Chancery or in the names of Trustees. It derives also a small income from the rent of its rooms in College, and it reserves the timber upon its landed estates, the produce of which, however, has of late been wholly applied to the repair and improvement of the farm buildings upon them.

The disposable annual income of the College (calculated on an average of the last seven years) is, therefore, as follows:—

	£.	s.	d.
From fines of freehold lands and tithes . .	2,500	0	0
„ reserved rents of the same . . .	1,800	0	0
„ rack-rent estates and tithes in possession .	2,000	0	0
„ manorial profits	600	0	0
„ dividends on stock	200	0	0
„ rent of rooms	120	0	0
Total . .	£7,220	0	0

MERTON COLLEGE.

Warden and Fellows of Merton.

It should, however, be observed that, from the operation of various causes, such as the Tithe Commutation Act, Railway and Enclosure Acts, the repeal of the Corn Laws, and the non-renewal of some of its leases, the proceeds of the landed estates of the College have been subject to more than ordinary fluctuations during the period from which the above-mentioned averages are taken. The amounts stated, therefore, must be taken only as the nearest approximation to the present actual income of the College, which it is in its power to make without entering into elaborate calculations and a troublesome minuteness of detail.

The annual expenditure of the College is mainly as follows:—

	£.	s.	d.
Expenses of establishment, including repairs and insurance of buildings, rates and taxes, servants and tradesmen	2,000	0	0
Applied to the use of unincorporated members .	860	0	0
Law agency and surveying expenses . .	500	0	0
School charities, &c.	400	0	0
Emoluments of Warden	1,050	0	0
,, Fellows (average 22) at 150*l.* .	3,300	0	0
Stipends of College officers	300	0	0
Total . .	£8,410	0	0

A comparison of the foregoing estimates of receipts and expenditure shows an excess of the latter over the former amounting to nearly 1,200*l.* per annum. This has arisen wholly from the non-payment of fines in certain cases (especially of tithes) where the leases have not been renewed, and are in the course of running out; and the deficiency has been supplied, without disturbing the customary administration of the College, out of a previously accumulated fund. That fund is now exhausted, but the leases alluded to being also on the eve of expiration, it is obvious that the increased income to arise from the rack-rent value of those estates, when in possession, will still enable the College to pursue the same beneficial system in future, and probably at an accelerated rate.

The unincorporated Members of the College consist of 2 Chaplains, 14 Postmasters, 4 Scholars, and 2 Bible Clerks.

Chaplains. The Chaplaincies are held for life, and are worth 55*l.* and 50*l.* a-year respectively.

Postmasters. The Postmasterships (except two, to which the Provosts of Eton College and King's College, Cambridge, present) are awarded annually to the successful competitors in an examination, classical and mathematical. All persons between 17 and 19 years of age are admissible as Candidates. Three of them, selected from the rest by merit, receive 60*l.* each per annum; the remaining 11 receive 40*l.*

Scholars. The Scholarships are bestowed, after examination, upon such Undergraduate Members of the College, not being Postmasters, as appear to the Electors to be the fittest and best qualified. They receive 24*l.* per annum each.

Bible Clerks. The Bible Clerkships are worth, in money, 18*l.* each per annum, besides other incidental advantages and immunities. The nomination to them is vested in the Warden.

The period of tenure in each of the three last-mentioned cases is from three to four years.

To Her Majesty's Commissioners for the University of Oxford, Downing-street, London.

Rev. J. R. T. Eaton, M.A.

To Letter III. of Her Majesty's Commissioners the following Answer was received:—

Gentleman-Commoners. *Question* 30. At present we take no Gentleman-Commoners as Members of the College. Such, however, has not always been the practice of the College. In 1607 the first date occurs of their admission; but within nine years the practice was discontinued, because hurtful to discipline. From that period there have been various and conflicting regulations with respect to their admission, which was finally discontinued some years since, on the determination of the present Warden, and for the same reason as above.

Exhibitions. *Question* 31. There are only four Members of our Society, as far as I am aware, at present receiving assistance from Exhibitions not in the gift nor under the administration of our Society. Of these two are casual—one held by a Postmaster, the other by a Commoner of the College, both of 10*l.* value, from Tonbridge School; but the remaining two are always held by Postmasters of the College, viz., by the two Eton Postmasters. They are Cholmondeley Exhibitions, of 60*l.* value each, and are under the administration and gift of that Trust.

Bible Clerks. *Question* 32. We have two Bible Clerks in our Society, but no other persons supported in the same manner. Their duties are reading the first lesson, and the epistle, if required, in Chapel, keeping the Chapel List, saying grace in Hall before and after meat, and copying College Testimonials. They are nominated by the Warden, and do not wear any particular dress. The entire value of the Clerkship is about 85*l.*, but at present this is conjoined with two Exhibitions, so as wholly to amount to 120*l.* per annum. I am not aware that their number has ever been greater than at present. I can see no disadvantage attending their position, if the nomination of them be judiciously exercised, and their duties be not of a degrading kind. On the contrary, I would gladly see so great a help to poorly-beneficed Clergy and others increased.

Tutors. *Question* 33. There are two Tutors, one Mathematical Lecturer, and one Divinity Lecturer in the Society.

Question 34. We have no Tutors who are not on the Foundation; they, therefore, all reside within the walls.

MERTON COLLEGE.

Rev. J. R. T. Eaton, M.A.

Lectures.

Question 35. Both the Tutors are expected to lecture on all the subjects of a University Examination, including Divinity. The Mathematical Lectureship affords the only instance of division of subjects.

Question 36. Lectures are given through only 24 or 26 weeks in the year. The average number of Lectures given weekly is at present higher than it has ever been in my knowledge, viz., 35, on all subjects but Mathematics; and 15 mathematical men are divided according to the years of their academical standing, and their intention to take honours or a plain degree. The Lectures are on the following subjects:—

Greek Testament.	Tacitus.
Aristotle's Ethics.	Æschylus.
„ Politics.	Sophocles.
„ Rhetoric.	Euripides.
Plato.	Aristophanes.
Thucydides.	Demosthenes.
Herodotus.	Xenophon.
Bishop Butler.	Horace.
Logic.	Virgil.
Livy.	

Of course at different periods.

There are five Undergraduates (our whole number is 35) at present attending Mathematical Lectures, beyond Arithmetic and the Elements of Euclid and Algebra, reading as high as Mechanics inclusively. Of these, two hold Postmasterships on a Mathematical Foundation.

Professors' Lectures.

Question 37. *At present* no Members of the College are *required* to attend any Professor's Lectures, nor are any other means adopted by the College to secure profitable attendance than particular recommendation on certain subjects. Care is, however, taken that the hours of College Lectures do not interfere with those of the Professors. It is probable that under the new Statute such attendance may be made *requisite* by the College.

Private Tutors.

Question 38. Two only of our independent Members, as far as I am aware, are engaged on private tuition; two Members, also, of our Foundation are so employed.

Question 39.—I believe as many as 15 Members of our Society (Undergraduates) are at present reading with Private Tutors. Of these, six are reading for honours, the remainder only for a plain degree. But their number is at present increased by the prospect of an approaching Examination.

Attendance at chapel.

Question 40. The chapel attendance required by the College is once daily, and twice on Sundays. It is enforced simply, as any other College regulation, for our Undergraduate Members, and by the Principal of the Postmasters specially. It is *never* enforced as a punishment.

Religious instruction.

Question 41. Four Divinity Lectures weekly, with two Sermons in chapel during the Term, prior to the celebration of the Sacrament, are the only stated opportunities of religious instruction. The Lectures are on the Thirty-nine Articles and the Old and New Testaments.

Expenses.

Question 42. The average amount of the battels of a Postmaster of the College may be set at 75*l.* 10*s.* for the year; of a Commoner of the College at 120*l.* for the same period. These averages are made from the year 1849. Battels include coals and a common-room man's bill for confectioneries, groceries, &c.

Question 43. I enclose forms of the Weekly and Quarterly Battel Bills, regularly delivered to the Undergraduates. [See next page.] The average in the last answer is calculated on a term of eight weeks, and three terms in the year.

Question 44. One hundred and fifty pounds is the lowest yearly sum which I have known an Undergraduate (not being a Clerk) to live for in our Society. This amount I have known, in other cases, to have been as low as 120*l.* per annum, and 400*l.* to have covered the whole expenses (including private tuition) from matriculation to graduation.

Question 45. The College expenses peculiar to Undergraduate Members may be considered to be—entrance fees, including caution-money; room-rent; tuition; battels, including service. Of these, the first two are fixed peculiarly low in our Society, the caution-money being only 20*l.*; entrance fees 2*l.* 6*s.* in the highest instance; while the average room-rent is 5*l.* yearly. The tuition, 16*l.* 16*s.* per annum, averages with other Colleges, and could hardly be reduced, except the number of Undergraduate Members were increased beyond the corresponding requirements for increased tuition. From battels may be deducted the fixed element of service, which (for all kinds) runs under 12*l.* yearly to each Undergraduate. The remainder will, however, vary with the tone of expenditure permitted or encouraged in the Society, and might certainly be carried as low as the experience of one or two Colleges which have proposed this object to themselves warrants. Expedients which have been adopted within our own Society to reduce the expenditure of its Undergraduate Members have been—

(*a*). Regulations as to the maximum expenditure (amount of battels) allowed throughout the term (since the estimate of 1849).

(*b*). Bringing the bills of Undergraduates for confectioneries, groceries, &c., as much as possible under the Bursar's notice.

Library.

Question 46. The College Library is open to all Members of the College, without restriction, and the only fee paid is an entrance one of 1*l.* by a Postmaster, 1*l.* 10*s.* by a Commoner, and 1*l.* fee upon degree. No such fees are paid by a Clerk.

Members.

Question 47. Merton College is at present capable of accommodating, and does accommodate, 32 Undergraduates resident within its walls.

JOHN R. T. EATON,
Fellow and Tutor of Merton College, Oxford.

MERTON COLLEGE.

Mr. Week. Quarter, 185 .

Beginning KITCHEN.

MERTON COLLEGE.

Rev. J. R. T. Eaton, M.A.

	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	£.	s.	d.
Breakfast .										
Lunch .										
Dinner .										
Supper .										
TOTAL OF WEEK .										

MERTON COLLEGE
Kitchen Act
185

Mr. _____

	£.	s.	d.
Amount of Bills to . .			
Use of Plates			

MERTON COLLEGE.

Mr. Week, beginning 1851.

BUTTERY.

	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	£.	s.	d.
Bread .										
Butter .										
Cheese .										
Beer . .										
TOTAL OF BUTTERY.										
Letters .										
Knocking in										
Faggots .										
Messenger.										

MERTON COLLEGE.

Quarter beginning 184
and ending 184

Mr.

	£.	s.	d.
University College Dues			
Messenger			
Servants			
Room Rent			
Lamps			
Tuition			
Porter's Bill			
Glazier's Bill			
Battels			
Patey's Bill			
Coals			
Fines			
Allocation			

EXETER COLLEGE.

EXETER COLLEGE.

Rev. J. L. Richards.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

MY LORD, *Exeter College, October* 30, 1850.

I HAVE the honour to acknowledge the receipt of a letter from your Lordship on the part of Her Majesty's Commissioners for inquiring into the State of the University of Oxford, and enclosing a copy of the Commission on which they act.

I am, my Lord,
With much respect,
Your faithful servant,
J. L. RICHARDS.

The Lord Bishop of Norwich.

To Letters II. and III. of Her Majesty's Commissioners the following Answer was received:—

Exeter College, December 4, 1850.

THE Rector of Exeter College presents his compliments to the Secretary of the Oxford University Commission, and has to acknowledge the receipt of two papers of inquiry from the Oxford Commission, one addressed to him as Rector of Exeter and the other to the Rector and Fellows of Exeter College.

The Secretary of the Oxford Commission.

In answer to Letter III. of Her Majesty's Commissioners the following Answer was received:—

Rev. S. J. Rigaud, M.A.

MY LORD AND GENTLEMEN,

HAVING ceased for some time to reside in Oxford, it is impossible for me to reply to many of the questions which were forwarded to me from your Board.

There is however one point on which I can give information, and as it has been said that the point is an important one, I have no hesitation in offering the following statement.

It is well known to your Board that the two principal Foundations in Exeter College are the old and close Foundation for the benefit of natives of the western counties, and the Petrean.

The Petrean Fellowships are by statute open to natives of certain specified counties, and "*to natives of all other counties in which the Lord Petre for the time being has real property.*" These are therefore comparatively open.

I have no hesitation in saying that the candidates for the Petrean Fellowships are generally superior men to those for the close Fellowships. I have no doubt that the close Scholarships and Fellowships were of less benefit to the College than they would have been if open. It appears clear to me that the Petrean Fellowships would have been of yet more benefit to the College if more open to competition than they were and are; and that such was at one time the opinion of the College in general is evident from the fact that certain counties before closed were (as I have been informed) opened by the purchase of small pieces of land, and their presentation to Lord Petre by Fellows of the College on taking preferment.

The average annual value of a Fellowship of Exeter College, during the time that I held one, was from 120*l.* to 130*l.*; in addition to a small table allowance, which was divided among those members of the foundation who had actually dined in Hall. Of course each Fellow had a set of rooms; but a Senior Fellow had *two* sets, and this, I believe, formed the only difference in value between a Senior and a Junior Fellowship.

I am,
My Lord and Gentlemen,
Your obedient servant,
S. J. RIGAUD,
Late Fellow of Exeter College.

ORIEL COLLEGE.

ORIEL COLLEGE.

Rev. E. Hawkins, D.D., Provost of Oriel College.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

MY LORD AND GENTLEMEN, *Oriel College, October* 28, 1850.

I HAVE the honour to acknowledge the receipt of copies of the Commission under which you act, addressed to me as Provost of Oriel, and as Dean Ireland's Professor, together with a request that I should supply you with such information as may be in my power.

The letters are dated the 21st instant, but they only reached me yesterday.

I am,
My Lord and Gentlemen,
Your faithful and obedient servant,
EDWARD HAWKINS.

Her Majesty's Commisioners for inquiring into the State, &c., of the University of Oxford.

To Letters II. and III. of Her Majesty's Commissioners the following Answers were received:—

MY DEAR MR. STANLEY, *Oriel College, December* 31, 1850.

I HAVE to acknowledge the receipt of two printed letters bearing your signature: the first dated November 28th, addressed to the Provost and Fellows of Oriel, the second of December 6th, to myself.

I have shown the former letter to the resident Fellows, and will find an opportunity for laying it before the whole Society.

I am,
My dear Mr. Stanley,
Yours most truly,
EDWARD HAWKINS.

Rev. A. P. Stanley, Secretary, &c.

QUEEN'S COLLEGE.

QUEEN'S COLLEGE.

Rev. J. Fox, D.D., Provost of Queen's College.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

MY LORD, *Queen's College, Oxford, November* 1, 1850.

I BEG to acknowledge the receipt of a letter of the 21st October last, signed by your Lordship on the part of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, together with a copy of the Commission under which they act.

I have the honour to be,
Your Lordship's very obedient
and faithful Servant,
J. FOX, *Provost.*

The Lord Bishop of Norwich.

New College.

Rev. D. Williams. D.D., Warden of New College.

NEW COLLEGE.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

My Lord, *New College, October* 29, 1850.

I have the honour to acknowledge the receipt of your Lordship's letter, enclosing a copy of the Commission for inquiring into the State, &c., of the University and Colleges of Oxford.

I have the honour to be, with great respect,
My Lord,
Your Lordship's obedient humble Servant,
D. WILLIAMS.

To Letter II. of Her Majesty's Commissioners the following Answer was received:—

Reverend Sir, *New College, November* 29, 1850.

I have received your letter of the 28th instant, addressed to the Warden and Fellows of New College, requesting that information on various points, together with a copy of the College Statutes, and of Decrees made by the Visitor, may be furnished to Her Majesty's Commissioners for the University of Oxford.

It is to the Visitor alone, the Bishop of Winchester, whose exclusive authority as Visitor, derived from the special appointment of William of Wykeham, the Founder of New College, is recognized by the law of the land, that the Warden and Fellows could consistently with their duty supply the information and the documents required. This is my conviction, and it has been communicated to the Fellows of the College and approved by them.

I have the honour to be,
Reverend Sir,
Your obedient humble Servant,
DAVID WILLIAMS,
Warden.

LINCOLN COLLEGE.

To Letters II. and III. of Her Majesty's Commissioners the following Answers were received:—

Rev. F. Metcalfe, M.A., Bursar of Lincoln College.

From the Rev. F. Metcalfe, M.A., Fellow and Bursar of Lincoln College, Oxford, on behalf of the Rector and Fellows.

Lincoln College, Oxford, June 27, 1851.

1. The amount of your corporate revenues and their specific applications.

1. The total amount of the Corporate Revenues of Lincoln College is 2,353*l.* 7*s.* 8½*d.*, which revenues are applied to the use of the Rector and Fellows, and to the increase of the salary of the chaplains of St. Michael's and All Saints, Oxford, and to various charitable purposes. Corporate Revenues.

2. The sources from which each portion of the income is derived, and the amount arising from each source.

2. Revenues derived from real estates . . . £1,877 18 2½
,, funded property . . 37 19 6
,, room-rents . . . 437 10 0

3. The proportion of your corporate property which is let at rack rent, and on lives, or for terms of years; and the principle on which fines are set.

3. Revenues derived from rack-rent estates . . £1,545 10 8½
,, leasehold estates . . 332 7 6

The property held on lives is very trifling. The fines are calculated, for land, on the 6 per cent. tables, and for houses on the 7 per cent. tables, and it has been the custom of late years, on renewals, to increase the ground-rent, and reduce the fine in proportion.

4. The emoluments of the Headship, of the several Fellowships, Studentships, Scholarships, Demyships, or the like.

4. The emoluments of the Headship are, a double Fellowship, and the income of the impropriate Rectory of Twyford, Bucks, of which the Rector makes a yearly return to the Privy Council. For many years last past the average income of the Fellows has not amounted to 200*l.* Emoluments of Headship, Fellowships, and Scholarships.

	£.	*s.*	*d.*
	1,877	18	2½
	37	19	6
	437	10	0
	1,545	10	8½
	332	7	6
Total . . .	2,353	7	8

	£.
12 Fellows (about £168) each, . .	= 2,016
1 Rector = 2 Fellows . . .	= 336
	2,352

5. The number, value, and period of tenure, of the several unincorporated Scholarships, Exhibitions, or the like.

5. There are eight open Scholarships, value from 40*l.* to 45*l.* per annum, tenable four years. Scholarships.

Twelve Exhibitions, value from 40*l.* to 50*l.*, tenable eight years—requiring residence —otherwise vacated. Exhibitions.

Also one Scholarship, called the Tatham Scholarship, value 50*l.*

For a copy of the Statutes of Lincoln College her Majesty's Commissioners are respectfully referred to that in the Bodleian. Statutes.

5. The decrees of the Visitor extend over a period of several hundred years, and are for the most part upon subjects of no public importance. Visitors' decrees.

Mr. A. B. *Lincoln College,* 1851.

Battels for the Week ending Thursday, June 12th. Battels of Lincoln College.

	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wedn.	Thurs.	Total.
	s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*		*s.* *d.*	*s.* *d.*	*s.* *d.*
Buttery	0 7¼	0 9	1 2½	0 3	0 8	0 5	0 8½	4 7¼
KITCHEN:—								
Breakfast	..	..	..	..	..	..	1 0	1 0
Lunch	..	..	2 3	..	..	..	0 5	2 8
Dinner	1 10	1 2	0 8	0 8	0 8	0 8	0 8	6 4
Supper	..	..	..	..	..	0 9	..	0 9
Letters								0 7
Gate-bill								0 9
Messenger								0 9
Weekly Dues								3 7¼
Total								£1 1 0½

Any error in this account should at once be referred to the Bursar.

LINCOLN COLLEGE.

Rev. F. Metcalfe, M.A., Bursar of Lincoln College.

Expenses of Undergraduates at Lincoln.

Summary of the Total College Expenses of various Undergraduates in 1849, *shewing the highest, lowest, and average amounts.*

Mr. A. B.

	£.	s.	d.
1st Quarter	19	3	6
2nd ditto	29	14	6
3rd ditto	23	17	6
4th ditto	10	3	4½
Highest Amount	£82	18	10½

Mr. D. E.

	£.	s.	d.
1st Quarter	11	18	11½
2nd ditto	15	0	4
3rd ditto	11	4	5½
4th ditto	5	2	6
Lowest Amount	£43	6	3

Mr. M. N.

	£.	s.	d.
1st Quarter	15	4	11
2nd ditto	16	17	10
3rd ditto	18	3	7½
4th ditto	9	14	0
For the Average Amount	£60	0	4½

Mr. X. Y.

	£.	s.	d.
1st Quarter	13	15	8
2nd ditto	19	2	11
3rd ditto	17	4	11
4th ditto	9	6	1
For the Average Amount	£59	9	8

Independent Member.

2nd Quarter, 1849.

Mr. to Lincoln College.

Dr.

	£.	s.	d.
Battels	as above		
Room-rent	6*l.* or 4 according to situation.		
Tuition	7	0	0

Independent Member.

3rd and 4th Quarters, 1849.

Mr. to Lincoln College.

Dr.

	£.	s.	d.
Battels	as above		
Room-rent	6*l.* or 4	0	0
Tuition	7	0	0

Scholar.

1st Quarter, 1849.

Mr. to Lincoln College.

Dr.	£.	s.	d.	Cr.	£.	s.	d.
Battels	as above			Lord Crewe	2	10	0
Room-rent	as above			Dr. Hutchins	10	10	6
Tuition	5	12	0				

Exhibitioner.

1st Quarter, 1849.

Mr. to Lincoln College.

Dr.	£.	s.	d.	Cr.	£.	s.	d.
Battels	as above			Lord Crewe	5	0	0
Room-rent	as above			Dr. Hutchins	7	18	6
Tuition	7	0	0				

* F. METCALFE.

ALL SOULS COLLEGE.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

Rev. Lewis Sneyd, M.A., Warden of All Souls.

My Lord, *All Souls College, Oxford, Oct.* 29, 1850.

I have had the honour of receiving your Lordship's letter dated on the 21st, but which I did not receive until the 27th of October.

You inform me that Her Majesty's Commissioners for inquiring into the state, discipline, studies, and revenues of the University and Colleges of Oxford, express a hope that I shall assist them in executing Her Majesty's commands.

It will be my duty in the first instance to communicate to the members of my College the intelligence which I have received, and I shall not fail to assemble a meeting without delay, for the purpose of affording the subject a careful deliberation.

I have the honour to be,
My Lord Bishop,
Your Lordship's most obedient servant,

The Lord Bishop of Norwich, &c. &c. LEWIS SNEYD, *Warden of All Souls.*

To Letters II. and III. of Her Majesty's Commissioners the following Answers were received:—

Sir, *All Souls College, December* 17, 1850.

I have received two letters from Her Majesty's Commissioners, signed by yourself, as Secretary, dated November 28 and December 6, 1850. The first relates to the College property, the other contains several questions of a more general nature.

At a meeting of the College held this day I am glad to inform you that it was decided, with very little hesitation, that I should be requested, and fully authorized, to supply the information required by the Commissioners, so far as the questions contained in your letters were applicable to All Souls College. I shall not fail to comply with this request; but as the questions are numerous, it may take some time to prepare proper answers. There is one request in your paper which I fear we shall not be able to comply with—to send a copy of our Statutes with the Injunctions of the Visitors. There is but one authentic copy of the Injunctions preserved in the College library, under strict regulation that it should not be removed. The original Statutes of All Souls College are by no means difficult to be procured; there are many copies of them, and a very accurate translation was published a few years ago. If there is any particular Injunction on which you wish to obtain information, I will take care that no impediment is thrown in your way, but I have no power to remove the volume from the library.

I have the honour to be, Sir,
Your obedient humble servant,

To the Rev. A. P. Stanley, &c. LEWIS SNEYD, *Warden of All Souls.*

Dear Sir, *All Souls College, Oxford, January* 8, 1851.

I have sent this day, in another cover, my answers to 47 questions received from Her Majesty's Commissioners for Oxford in a paper dated December 6, 1850.

I hope that my answers may be found to be intelligible and explicit; it has been my wish to make them so. If it should appear to Her Majesty's Commissioners that they are in any respect deficient in conveying the information asked for, I shall be quite ready to supply what is wanting as far as I am able.

The answers to some questions relating to the revenues of the College and their application will be sent as soon as possible.

I have been obliged to apply to the Bursar for some assistance in a matter which relates especially to his office. He is at present absent during the vacation, but there shall be no unnecessary delay in sending the information.

I am, dear Sir,
Your obedient humble servant,

The Rev. A. P. Stanley, Secretary. LEWIS SNEYD, *Warden of All Souls.*

Answers.

1. Is your Society governed by statutes? If not, are there any orders or rules by which it is governed?

1. The Society of All Souls College is governed by Statutes. Statutes.

2. If the Society is governed by Statutes were those Statutes given by the Founder? Are the original Statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

2. The Statutes were given by the Founder. The original Statutes are in force so far as they are consistent with the established religion. Founder.

3. Is there any provision in your present Statutes for their alteration or amendment; or was there in your original Statutes, any such provision?

3. Alteration, that is total change or abrogation, of the original Statutes is forbidden, but the Visitor has from time to time exercised the power vested in him to explain, adapt, and modify them. Alteration.

4. Will you state in what respect, if any, your Statutes have ceased to be observed, whether owing to lapse of time or other causes?

4. Those parts of the Statutes which are inconsistent with the form of religion now established have ceased to be observed. Lapse of time, change of habits and discipline in the University, and other such causes, have operated to diminish the observance of some of Non-observance of Statutes.

All Souls College.

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the original Statutes; but by far the larger portion of them, ranged as they are under 34 heads or chapters, are still observed.

5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

Residence of Warden.

5. The residence of the Warden is strictly enforced and is as strictly observed. In Statute chap. 3, "De Officio Custodis et ejus residentiâ," he is allowed to be absent from the College for 60 days only in the year, except in case of illness, business of the College, or other urgent cause. By the Injunction of Archbishop Cranmer, 1541, no cause of absence is allowed to the Warden, except illness, beyond two months in addition to the 60 days allowed in the Statute. This order has been in no case disobeyed for many years.

It may be proper to state here that in 1766 the Rectory of East Lockinge, in Berkshire, 15 miles from Oxford, was annexed by Act of Parliament to the Wardenship of All Souls, so that the Rectory is now joined by law as an inseparable branch of the Warden's duty. In 1830 the Visitor, Archbishop Howley, taking the aforesaid Statute and Injunction into consideration, permits the Warden to devote a portion of his time to the actual performance of parochial duty in the parish of Lockinge, without its being accounted any infringement of the Statute of residence. So that the Warden is still bound by the regulation which enforces eight months' residence, while his duty is spread over a wider field.

Residence of Fellows.

The regulations for the residence of the Fellows are set forth in Statute XIX., "Quod Socii et Scholares sine licenciâ non devillent." It is here ordained that any Fellow or Scholar desirous of going away shall assign his cause to the Warden, or in his absence to the Sub-Warden and Dean of his Faculty. This custom is still observed.

From the earliest time to the present it appears that dispensations, exemptions, and lawful causes for absence have been claimed, and have been allowed to the Fellows. And that the authorities of the College named above are permitted to grant such licence without much difficulty may be shown by the following sentence in the Statute XIX.: "Nolentes quod in licentiâ hujusmodi Sociis vel Scholaribus hanc petentibus concedenda, dicti Custos, seu V.-Cust., vel Decanus, se reddant nimis difficiles. Sed volumus quod Scholari vel Socio ipsam petenti, et se habere honestam et veram causam absentandi asserenti non denegetur in hoc casu facultas seu licentiâ absentani, præcipuè magnarum et generalium vacationum temporibus."

Notwithstanding this power of dispensation thus vested in the Warden, I do not attempt to assert that the regulation for the residence of the Fellows has been fully carried out. In order to give a fair view of the subject, it may be well to state the present custom and long-continued habit of the College on the subject of residence.

Those who are obliged to take degrees never fail to keep, by residence, *all* the terms required by the University Statutes, and that without the indulgence of dispensation granted to other members of the University in other Colleges.

With respect to those who have already taken the degrees required, and with respect to the College generally, the long-established custom has been this: Four times in the year—*viz.* Christmas, Easter, Whitsuntide, and November 2—the Fellows of the College assemble. So that, although the number of constantly resident Fellows may not be great, it may be truly stated that there is not any Fellow who is altogether and entirely non-resident.

It is my opinion that neither the University nor the College would be benefited by the general enforcement of habitual residence, such as the Statutes seem in the first instance to require, apart from the causes allowed as proper for leave of absence.

6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission applicable to any other Members of the Foundation, besides the Head?

Marriage of Warden, Chaplains, and Fellows.

6. The marriage of the Warden is not forbidden by the Statutes. It is believed that many of the Wardens have been married. It frequently happens that the Chaplains are married. A Fellowship becomes vacant six months after marriage.

7. Does the College consist of several Foundations? If so, do the Fellows on the several Foundations enjoy the same rights and advantages?

7. There is only one Foundation.

8. Are there in your College any unincorporated or Bye Fellows? If so, by what Statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

8. Not applicable.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

Restrictions on Fellowships.

9. The Fellowships of All Souls College are open to competition to the whole University. The restrictions mentioned in the next sentence cannot be considered as impediments. A Fellow is called a Scholar for one year only. Fellows who are not of kin to the Founder have to pass through one year of probation as Scholars, or, as they are generally called, Probationary Fellows.

10. Will you quote the classes of your Statutes on which any such restriction rests, together with any special reasons which the Founder or framer of your Statutes may have had for this restriction?

Qualifications for Fellowships.

10. The qualifications required in a candidate for a Fellowship are thus stated in the Statute, chap. 2, "De modo, formâ, et tempore eligendi Scholares et quomodo assumentur in Socios." The candidate must be a Student in the University of Oxford. He is to be chosen de melioribus ipsorum nominantium sano judicio habilioribusque, necnon ad Studium Scholasticum magis aptis ipsâ Universitate Oxon. Studentibus.

He must have been three years at least in the University "prius tres annos ad minus habeant in Universitate Oxon. supradictâ."

He must have completed his 17th year of age, and must not have exceeded the 26th.

To prove this, a certificate of Baptism is required, extracted from the parish Register and duly authenticated. ALL SOULS COLLEGE.

He must be a person of good morals, bonis conditionibus et moribus ferornatus. Hence the College requires that every candidate shall bring a testimonial signed by the officers of his College, certifying from their personal knowledge his good behaviour for three years past, immediately preceding the date of the testimonial. *Rev. Lewis Sneyd, M.A., Warden of All Souls.*

He must be a proficient in learning, "in Studio proficere cupiens et seipsa proficiens." To ascertain this, Archbishop Whitgift injoined that the candidates should submit themselves for three days preceding the feast of All Souls to the examination of the Fellows of the College, "quoad mores quam literas." This examination is still, and I suppose always has been, duly observed.

He must be liberæ conditionis, and born in lawful matrimony, to prove which a certificate of his parents' marriage is required.

He must be born within the province of Canterbury, except he is of the Founder's kindred. Founders' kinsmen are eligible wherever they are born, "ubicunque oriundi sunt." To prove his kinship to the Founder, a candidate must produce a pedigree, to be submitted to the examination and approval of the Warden and officers. This claim of consanguinity is now so widely extended that there is scarcely a family of any antiquity in this country which it does not include. At this time there are more than 30 Fellows who have proved their consanguinity. Difficulties having formerly arisen on the subject of consanguinity, the College presented a petition to the Visitor, dated June 24th, 1776, to relieve them from the inconvenience under which, as it was stated, they then laboured from the great and increasing number of Founders' kinsmen, whom they were then obliged to elect in preference to all others. The Visitor, Archbishop Cornwallis, took due time to consider the petition, and called to his assistance Sir George Hay, Dean of the Arches, and Sir William Blackstone. The result of their assistance was an Injunction, dated at Lambeth, 21st May, 1777, by which the College is no longer compelled to give any preference to Founders' kinsmen so long as there shall be remaining in the College ten Fellows who had been admitted as such. This number must be always kept up, but the College is at liberty to elect a greater number if they please. Founders' kin.

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the Statutes allow for opening the Foundation?

11. Answered in No. 10.

12. If the Statutes give a "preference" to certain candidates, how do you interpret such preference?

12. Answered in No. 10.

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

13. The few restrictions mentioned above are not productive of inconvenience. Elections and Examinations.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examination?

14. In some Colleges it is believed that the first and principal qualification for a Fellowship is academical distinction acquired and proved by the test of public and Collegiate examination.

Such a proof of talent is always looked upon with great respect in this College. A candidate so distinguished seldom fails to obtain a Fellowship, if he is found in all other respects to be well qualified. Every candidate submits to the examination for three days enjoined by Archbishop Whitgift. But this is by no means the only scrutiny. Temper, condition, general habits of life, religious principle, moral conduct, future prospects and present need, and all the various particulars expected to form the character of a gentleman, are carefully inquired into and considered before a selection is made from among the many candidates who offer themselves.

Surely then it may be stated that the Fellowships are disposed of according to merit.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

15. Answered above in No. 9.

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

17. The Fellows of All Souls are obliged to proceed to Degrees according to the Statute "De tempore assumendi gradus." A B.A., after having kept all the terms required by the University Statutes without dispensation, and being of eight years' standing, must proceed to the Degree of M.A. Higher Degrees.

A Jurist must be of seven years' standing, and have kept by residence, without dispensation, all the terms required, in order to proceed to the Degree of B. C. L., which must be taken within the time prescribed. The B. C. L. must then, within five years, either take Holy Orders or proceed to the Degree of D. C. L.; non compliance with these regulations forfeits a Fellowship. Those who take the Degree of D. C. L. are by Archbishop Whitgift's Injunction, 1586, relieved from the necessity of taking Orders.

18. Do your Statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the Statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

18. The Fellowships cannot be either increased or diminished in number. No increase or diminution of Fellowships.

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19. Do your Statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your Statutes on which such permission or prohibition rests?

Commoners.

19. The Statutes do not contemplate the residence of Undergraduates in All Souls College. From the date of the foundation in 1437, up to the present time, no Undergraduates have ever been admitted; indeed, if there was no other reason, the limited accommodation which the building affords would make their admission impossible. There is not even room for all the Fellows of the College at the same time, and, at the seasons of meeting mentioned above, considerable inconvenience is felt from want of room for those who assemble. The site of the College does not admit of any extension of the building.

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your Statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

Property disqualification.

20. The rule respecting property tenable with a Fellowship relates only to real, not personal property.

I quote from the Statutes, and from the Injunctions of Archbishop Wake, 1719, and Archbishop Sutton, 14 June 1826.

The Founder's Statute—"Quod propter monachatum susceptam, &c."—enacts, "Si qui Sociorum patrimonium, hæreditatem, feodumve sæculare aut annuam pensionem ad valorem communibus annis centum solidorum sterlingorum assecutus fuerit tunc infra sex menses a tempore assecutionis hujusmodi continue secuturos auctoritate præsentis statuti eum a dicto Collegio privatum et amotum fore statuimus ipso facto."

Thus the value of the disqualifying estate was originally .	5*l.*	per annum.
Archbishop Wake fixed the sum at	40	,,
Archbishop Manners Sutton, in 1826, at	100	,,

This regulation is acknowledged and always observed.

I should here give some explanation of the term "Annua Pensio," as it has always been understood and acted on by the College. "Annua Pensio," in the Civil Law, is defined, "Id quod pro alicujus rei usu datur." In common acceptation it means any yearly payment or pension; but in our law, and as used by our Founder, it has a signification more circumscribed. By that it signifies a yearly pension arising out of a bishopric, abbey, or other ecclesiastical corporation. It was cognizable in our Ecclesiastical Courts, wherein no prohibition lay, and hence it differs from an annuity, which is a subject of temporal cognizance. Hence it plainly appears that the words "Annua Pensio" have a certain technical sense fixed to them by the law of England. It may be said that our Founder did not mean to circumscribe them within such narrow bounds, but to extend them to all certain annuities. It would perhaps be a sufficient answer to say, that the Founder has not so expressed himself, that he has used the words simply by themselves, and that according to the rules of construction their known legal signification must be followed.

21. Is the Head of your Society, statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the Statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

21. The College may elect a layman for their Warden, but he must, by Statute, take Holy Orders within a year after his admission.

By the Statute "De tempore assumendi sacros Ordines" it is directed that any Fellow being M.A. shall take Holy Orders within two years after the completion of his Regency, "impedimento cessante legitimo;" or, according to Archbishop Tennison's Injunction, 1711, within four years from the commencement of his Regency; and then, if not in Holy Orders within six months, the Fellowship is void. By an Injunction of Archbishop Whitgift, 1586, the B. C. L. Fellows are discharged from the obligation to take Holy Orders, provided they proceed to the Degree of D. C. L.; this is always complied with, or the Fellowship is void. The M.A. Fellows who do not take Orders within the time prescribed never fail to state their exemption, or the cause of the impediment, for the consideration of the Warden and officers.

To prevent the allowance of improper impediments, Archbishop Wake orders that, in case the impediment be admitted, it shall be entered within 14 days in the Register, and signed by the approvers of it; a copy of which entry is then to be transmitted to the Visitor within the same number of days. If these observances are omitted the approbation is made void.

It may be seen that, although the Founder seems to require that all the Fellows should undertake the priesthood, yet there are, and always have been, numerous exemptions allowed by the authorities of the College, and confirmed by the Visitor. All these exemptions as they occur are still regularly signed and registered, and have always been allowed by the Visitor.

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

22. All the information required here is given in Answer 10.

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

23. Neither clergymen nor laymen are excluded from being candidates for Fellowships if they are of the proper age, viz. not more than 25 or less than 17 years of age.

24. Are Fellows or other members on your Foundation allowed by Statute or other authority to hold ecclesiastical preferment? and, if so, to what amount? — All Souls College.

24. The regulation by which the College is bound, and on which it acts with respect to Ecclesiastical preferment, will be found in Statute ch. 34, "Propter quas causas Socii et Scholares possunt et debent amoveri." This Statute orders, "Si vero aliquis Sociorum vel Scholarium prædictorum beneficium Ecclesiasticum curâ vel sine curâ cujus fructus, reditus, et proventus decem mercarum sterlingorum valorem annuam si in eodem personaliter resideat excedunt adeptus fuerit; etiamsi vicaria existat, per annum unum et non ultra eum in dicto Collegio Socium vel Scholarem stare permittimus." — *Rev. Lewis Sneyd, M.A., Warden of All Souls.* Ecclesiastical preferment.

The value thus mentioned is ascertained by reference to the Valuation published by authority in 1291, or by that of 1535, 26 Hen. VIII., or by the 5 & 6 of Queen Anne. The latter relates to an Injunction of the Visitor, Wake, which orders that, if the actual value does not exceed 50*l.* per annum, although it exceeds 10 marcs in the Liber Regis, it shall not vacate a Fellowship. This value is ascertained by the certificate of the Exchequer, discharging all such benefices from the payment of first fruits.

The same Statute goes on to say, "Custodem vero dicti Collegii propter aliqua beneficia Ecclesiasticos reditus vel proventus Ecclesiasticos vel etiam temporales cujuscunque valoris existat per ipsum obtenta, vel in posterum obtinenda ab officio Custodis amoveri nolumus; destitui vel privari dum tamen in dicto Collegio resideat et officium suum gerat et debite exequatur."

25. What statutable restrictions limit the selection of your Head?

25. These are set forth in Statute No. 1.—"Et de Custode et ejus electionis formâ et juramento ejusdem." He is to be "vir bonæ conversationis et honestæ, ac in Scientiâ bonisque moribus et conditionibus approbatus, et in temporalibus atque spiritualibus discretus, providus ac etiam circumspectus." The first Warden was appointed by the King, Henry VI.; but all future appointments are by charter vested in the election of the Fellows of the College freely, having respect only to the Statutes of the Founder. He is to be a Master in Divinity or in Arts, having completed his Regency—or a Doctor or Bachelor of Civil or Canon Law; but is not required by Statute to proceed to Degrees higher than M. A. or B. C. L. He must be one who is, or has been, a Fellow of the College. Every person who has these qualifications is eligible to the office of Warden, so far at least as the Statutes direct. — Election of Head.

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

26. The Warden and Fellows are patrons of 17 livings:— — Benefices.

New Romney, Kent.—On the dissolution of alien priories, it fell into the hands of the Crown, and was granted to the College by letters patent, 17th of Hen. VI.

Upchurch, Kent.—Belonged to the Abbey of St. Mary, in Normandy; it was granted to the College by Hen. VI., letters patent, 18th year of his reign.

Alberbury, Shropshire.—Granted by letters patent 11th of May, 19th Hen. VI.

Harrietsham, Kent; Elmley, Kent.—In the first year of Hen. VI. the convent of Leeds, in Kent, conveyed Harrietsham and Elmley to Henry Chicheley, Archbishop of Canterbury, the Founder, in fee, and he granted them to the College.

Lewknor, Oxon.—Belonged to the Abbey of Abingdon, obtained by the Founder, and granted by him to the College.

Barking, Essex, and Ilford.—Granted by Sir William Petre, as executor of William Pouncet, 1557. Ilford now forms a separate Vicarage, with a new church, and also a chapel called Barkingside, recently erected.

Welwyn, Herts.—Purchased by the College, 13th James I.

Lockinge, Berks.—Purchased by the College, 8th Charles I.; now annexed, by Act of Parliament, 1766, to the Wardenship, without institution or induction.

Buckland, Surrey.—Purchased by the College, 14th Charles I.

Harpsden or Harding, Oxon.—Purchased by the College, 15th Charles I.

Weston-Turville, Bucks.—Purchased by the College, 1690.

Barford St. Martin, Wilts.—Purchased by the College, 5th Geo. I.

Chelsfield-cum-Farnbro', Kent.—Purchased by the College, 1754.

Walton, Cardiff, Gloucestershire.—Granted to the College by a Mr. Read, 1658.

Newton Bromswold, Northampton.—Exchanged for two small livings in Wales, by virtue of an Act of Parliament, about 15 years ago.

There is a fund for the purchase of advowsons, derived from some land at Penhow, in Monmouthshire. — Advowson fund.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the Statutes allow any special liberty of choice in the Fellowships so connected?

27. There are not any Prælectorships founded in this College for the benefit of the whole University. — Prælectorships.

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

28. The Warden and six Senior Fellows nominate the Master of Feversham school in Kent. They exercise no other control, though there are some occasions on which they are called upon to act with the Mayor and Corporation, or Town Council—the local Governors. — Schools.

29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or ordinances?

29. The nature of a Visitation, and the powers of the Visitor, are set forth in the Statute, — Visitor.

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chap. 32, "De Visitatione Domini Arch^{pi}." It relates to the Visitation of the Archbishop, or the Commissioners to be by him appointed for that purpose. The Visitor has frequently interposed to interpret, explain, modify, or amend single Statutes; but he has not power to make new Statutes, or to order that which would be in direct contradiction of the spirit or intention of the Founder. Several proofs of the Visitors' interposition may be mentioned. Not long after the foundation of the College, Archbishop Stratford, in 1445, claims power to act; afterwards Whitgift, 1589; Cranmer previously, and then Tennison, Wake, Cornwallis, Sutton, Howley, have all given Injunctions which are valid and acted on.

30. Are Gentleman-commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari*? To what charges are they liable, beyond those borne by other independent members?

30. Not applicable.

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

Bible Clerks.

31. There are four Bible Clerks on the Foundation. Some of them receive exhibitions from the City of London Companies and other corporations. These accidental grants do not necessarily come under my notice, except by the declaration of my opinion as to the regular habits and moral conduct of the claimant.

32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible-clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

32. There are four Bible Clerks, all appointed by the Warden. They are intended to take part, and do take part, in the daily service of the chapel; but are not necessarily considered as undergraduates, or persons to be educated in order to proceed to Degrees. In practice, however, they have all the advantages which undergraduates have in other Colleges; and, in addition, all expense of board, lodging in the College, and education, is defrayed entirely and voluntarily by the members of the College. Every advantage is afforded to them freely whereby they may obtain their education, and pass through the University with credit to themselves. All they are entitled to is the small payment of 1*l.* 5*s.* per week, to be divided between four; this they receive. At this time they are all of them the sons of poor clergymen, but this need not be so necessarily. They are not marked by any particular dress; they wear the scholar's gown and cap. The number is four, and cannot be increased. In the great majority of cases I am glad to say that the Bible Clerks have turned out well. Sometimes they have distinguished themselves in the public examinations. They receive every attention from the Tutor.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

Tutors.

33. One of the Chaplains is usually appointed Tutor to the Bible Clerks. The Warden does not take any part in their daily instruction, but he holds himself responsible for their habits of life, moral conduct, and attention to religious duties during the time of their residence in College, for six months or four terms in the year.

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. The Tutor, who is also Chaplain, attends daily to instruct the Bible Clerks. He does not live in the College.

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

35. There is one Tutor and four pupils.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. The Tutor attends daily, except Sunday, and gives such instruction as is necessary to carry the Bible Clerks through the Examination required by the University.

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

Professors' Lectures.

37. The Fellows of the College are not required to attend any Professors' Lectures. Those who are about to take Holy Orders attend Divinity Lectures, but this is not an order of the College.

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

Private Tutors.

38. There are not any independent members. The Fellows of the College are not in the habit of taking pupils.

39. Can you state how many undergraduate members of your Society are now reading with private Tutors?

39. There are not any undergraduate members, nor have there ever been any since the foundation of the College in 1437 up to this time. The case of the Bible Clerks has been described above, No. 32.

40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

Attendance at chapel.

40. The usual service of the Church of England is performed twice every day, for at least six months in the year,—perhaps more, as the chapel is not closed during the vacation until after Easter week, and after Christmas-day. All resident members of the College attend the prayers in the chapel with great regularity. It is quite the habit of the place; nothing like compulsion is ever attempted or required. The Sacrament of the Lord's Supper is administered by the Warden four times in the year; a sermon is preached in the chapel four times in the year.

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44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

44 and 45. The Bible Clerks live free of expense, as I have already stated; their expenses are paid voluntarily by the College.

46. Is the College Library open to all members of the College, and what fees are paid to the library by each member?

46. The College Library is open to all members of the College, without fee or payment of any sort. Library.

47. What number of Undergraduates is your College capable of accommodating?

47. The admission of undergraduates would be impossible, from want of room. The College buildings are not sufficiently capacious to hold even all the Fellows at the same time—being 40 in number; nor is there any ground on which new buildings could be erected. Members.

LEWIS SNEYD, A.M.,
Warden of All Souls College.

DEAR SIR,

I SEND with this note my answers to certain questions from Her Majesty's Commissioners, addressed to the Warden and Fellows of All Souls College, in a paper dated November 28, 1850.

I hope that the answers are put in a convenient form, and that my statement of the revenue and its specific application may be sufficiently in detail to be understood.

I am, dear Sir,
Yours faithfully,
LEWIS SNEYD.

All Souls College, Oxford, 1851.

ANSWERS in reply to certain Questions from Her Majesty's Commissioners for the University of Oxford, addressed to the Warden and Fellows of All Souls College, in a paper dated November 28, 1850.

Amount of Corporate Revenues of All Souls College for the year 1850:— Corporate revenues.

Rent of land	£5,629
Tithes	1,420
Fines upon renewals	1,989
Copyhold fines	269
Interest from Government Funds	315
	£9,622

The revenue of 1850 has been selected as preferable to an average of seven years, on account of two material changes which have lately taken place—the fall in corn-rents since the repeal of the Corn Laws; and on the other hand an increase of revenue by the expiration of a lease in 1849.

The money in the funds is only applicable to particular purposes.

Specific application of Revenues, 1850—*Annual Payments.* Application of revenues.

Rates, Taxes, Insurance, Agents, Collectors, Leasehold and ancient rents	£520
Repair of College, Farm-buildings, draining, &c.	921
Expense of Establishment, Commons of Warden and Fellows, maintenance of Bible Clerks	480
Library—purchase and binding of books	590
Allowances to Warden and College Officers, Chaplains, Tutor to Bible Clerks	553
College Servants	710
Fuel and Lighting	243
Various expenses, Law charges, &c.	157
Advowson Fund	650*
Fund for building and repairing Parsonage-houses in the patronage of the College	115
Subscriptions to Schools, Churches, and Charities	390
	5,329
Divided between Warden and Fellows	4,293
	£9,622

* The payment to the Advowson fund is not always the same: in the year 1850 it greatly exceeded the usual average.

ALL SOULS COLLEGE.

Rev. Lewis Sneyd, M.A., Warden of All Souls.

Rather more than one-fourth of the corporate property is let at rack-rent; the remainder is let upon leases for 20 years, renewable every 7 upon payment of a fine.

The fine is one year and a half net value of the farm: that is, the value after deducting the reserved rent.

Value of Wardenship.

Emolument of Wardenship for the year 1850	£633
Rectory of Lockinge, annexed by Act of Parliament, net value (this does not pass though the Bursar's hands)	300
	£933

Value of Fellowships.

	£.	s.
Doctors' Fellowships and College Officers—each	130	0
Masters of Arts and B.C.L.	92	0
B.A. and S.C.L. Fellows	75	10

The above statement has been taken from the bursar's books, and verified by Mr. Arthur Bigge, M.A., Fellow, Acting Bursar.
February 17, 1851.

LEWIS SNEYD,
Warden of All Souls College.

MAGDALEN COLLEGE.

MAGDALEN COLLEGE.

Rev. M. J. Routh, D.D., President of Magdalen College.

To Letters II. and III. of Her Majesty's Commissioners the following Answers were received:—

REVEREND SIR, *Magdalen College, February* 6, 1851.

HAVING received from you papers, in which I am requested to supply information relative to Magdalen College, I find, that I am bound in conscience to return the enclosed answer to the proposal.

I am, Reverend Sir,
Your faithful and obedient Servant,
M. J. ROUTH.

The Rev. A. P. Stanley,
Fellow of University College.

[The Enclosed Answer was as follows:—]

Magdalen College, Oxford,
February 6, 1851.

IN an application addressed to the President of Magdalen College, Oxford, and communicated by the Rev. Mr. Stanley, of University College, information is requested respecting the College property; and a supply of a copy of the Statutes and Visitatorial Decrees proposed. The President declines giving information concerning property which he is not conscious of having misused or misapplied; or surrendering Statutes for alteration or revision, which he has sworn to observe, and never directly or indirectly to procure an alteration of, or dispensation from.

Finis et conclusio omnium statutorum, the President's oath, and Questions 13, 16, and 22.

M. J. ROUTH.

Charles Reade, Esq., D.C.L., Vice-President of Magdalen College.

Magdalen College, Oxford,
February 6, 1851.

SIR,

IN an application addressed to the President and Fellows of Magdalen College, and communicated by the Secretary to Her Majesty's Commissioners for the University of Oxford, information respecting the College property is requested, and also a copy of the Statutes and Visitatorial Decrees.

The Fellows respectfully decline to give the information requested or to supply the Commissioners with a copy of their Statutes.

I am, Sir,
Your obedient Servant,
CHARLES READE, *Vice-President.*

The Rev. A. P. Stanley,
Secretary to the Commission.

BRASENOSE COLLEGE.

Brasenose College.

Rev. R. Harington, D.D., President of Brasenose.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

My Lord Bishop, *Brasenose, Oxford, October* 29, 1850.

I have the honour to acknowledge the receipt of your Lordship's letter of the 21st instant, conveying to me a copy of Her Majesty's Commission for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, and the expression of a hope that I will assist the Commissioners by furnishing such information as may be within my power.

I have the honour to be,
My Lord Bishop,
Your Lordship's faithful Servant,
RICHARD HARINGTON.

The Lord Bishop of Norwich.

To Letter II. of Her Majesty's Commissioners the following Answer was received:—

Sir, *Brasenose, Oxford, December* 2, 1850.

I have the honour to acknowledge the receipt of a printed letter, addressed by you to the Principal and Fellows of this College on the part of Her Majesty's Commissioners for the University of Oxford, containing five questions concerning the sources and application of our Corporate and other Revenues, and a request to be furnished with a copy of our College Statutes, and with any decrees made by our Visitor.

Your letter is dated on the 28th ult.; it reached me on the 29th, and has been this day submitted to the consideration of a College meeting.

I am directed to state, that the Principal and Fellows of this College (as at present advised) do not conceive themselves at liberty to publish information concerning their Corporate Revenues, or other internal affairs of their Society, at the instance of parties with the object of whose inquiries they are unacquainted, and for whose authority to inquire they can find no warrant, either in the Statutes of their Founders or in the Charter of their Incorporation.

I have the honour to remain, Sir,
Your obedient humble Servant,
RICHARD HARINGTON.

The Rev. A. P. Stanley.

CORPUS CHRISTI COLLEGE.

Corpus Christi College.

Rev. James Norris, D.D., President of Corpus Christi College.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

My Lord, *Corpus Christi College, October* 28, 1850.

I have to acknowledge the receipt of your Lordship's letter on the part of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University of Oxford, and accompanying a copy of the Commission under which they act; and

I have the honour to be, My Lord,
Your very faithful Servant,
JAMES NORRIS,
President of Corpus Christi College.

The Right Rev. the Lord Bishop of Norwich.

To Letter II. the following answers were received.

Corpus Christi College, Oxford, February 21, 1851.

Reverend Sir,

The circular letter of the Oxford University Commission, forwarded by you on the 28th of November last to the President and Fellows of this college, having since the receipt thereof occupied our serious consideration, I now beg on behalf of myself and the Fellows to transmit the following reply.

First.—The letter contains five questions relating to the amount and application of our corporate revenues. I believe the subjoined general statement will supply the information sought for. Corporate Revenues.

Our income arises almost entirely from land and houses, only a small part being derived from investments in the Government funds.

Our manorial property is copyhold for lives. About twelve years since the society discontinued the practice of granting renewals in this kind of property. The portion of income therefore arising from this source is at present small. Our freehold property is let principally on beneficial leases for 20 years at annual reserved rents, such leases being renewable every seven years on payment of a fine. A few estates are now let at rack-rent, the leases having been allowed to run out, and some other leases are in course of expiration.

From these sources our corporate revenue is about 8500*l.* This sum indeed is above our actual receipts, but is arrived at by supposing that we are still in receipt of fines from those estates of which the leases are running out; whereas, while that process is going on, the septennial fines are not received.

CORPUS CHRISTI COLLEGE.

Rev. James Norris, D.D., President of Corpus Christi.

Value of Headship, Fellowships, Chaplainries, Scholarships, and Exhibitioners.

The Head of the College receives on the average 1000*l.* a year. Twenty Fellows receive 200*l.* a year each on the average. In addition of this 300*l.* a year is divided amongst such as hold college offices, viz. the Tutors, Deans, and Bursars. Two Chaplains receive about 50*l.* a year each, and a clerk of accounts 50*l.* To each of twenty scholars, four exhibitioners, and seven servants about 40*l.* a year is paid. We carry 500*l.* a year to a reserved fund for general purposes. The remainder of our income is exhausted by the following charges, viz., wages of college servants, assessed and property taxes, insurance and repairs of college buildings, tradesmen's bills, and subscriptions to parochial and diocesan societies.

We have no unincorporated scholarships or exhibitions in our College.

Statutes.

Secondly.—The letter contains a request that Her Majesty's Commissioners may be furnished by us with a copy of our Statutes and with any decrees made by the Visitor. In making this request we presume Her Majesty's Commissioners do not wish us to send them those copies of our Statutes which our Founder directed should be preserved within the walls of his college. It is probably known to them that a draft copy of our Statutes may be seen in the Bodleian Library, and that an English translation of them has been published. As however this translation does not possess the authority of an original, and does not in all points agree with the actual Statute-book, we are willing to permit the manuscript in our possession to be collated, in the presence of a college officer, by any person authorized by Her Majesty's Commissioners, and we are also willing under the same restrictions to furnish a copy of any decrees made by the Visitor.

JAMES NORRIS,
President.

To the Rev. A. P. Stanley,
Secretary, &c. &c.

The Tutors of Corpus Christi College.

To Letter III. of Her Majesty's Commissioners the following Answers were received:—

1. Is your Society governed by Statutes? If not, are there any orders or rules by which it is governed?
2. If the Society is governed by Statutes, were those Statutes given by the Founder? Are the original Statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

Statutes.

1 & 2. It is governed by Statutes given by the Founder, which are only partially in force. They have been superseded in some points by the change of religion, modified in others by injunctions of the Visitor, and in others have fallen into disuse by reason of the altered state of things in the University.

3. Is there any provision in your present Statutes for their alteration or amendment; or was there, in your original Statutes, any such provision?

Alteration.

3. There is no provision for making any *alteration* in the Statutes, but only for making bye-laws, provided such laws are not at variance with the Statutes.

4. Will you state in what respects, if any, your Statutes have ceased to be observed, whether owing to lapse of time or other causes?

Non-observance of Statutes.

4. The Statutes have ceased to be observed literally—

1st. In respect of religious services.

2nd. In respect of residence.

3rd. In respect of the course of study and methods of instruction, and the manners marked out by the Founder.

5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?
6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

Residence and marriage of the Head.

5 & 6. The grounds on which permission for non-residence may be obtained are given in c. 29. The present number of non-residents is 13. It is only *implied* that the President will be unmarried by his being required to be a priest (sacerdos). At the Reformation a "sacerdos" became marriageable, so that there is now no legal impediment. In the case of the Fellows it is expressly *said* that their Fellowships will be vacated by marriage.

The Fellows.

7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?
8. Are there in your College any unincorporated or Bye Fellows? If so, by what Statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

7 & 8. No.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

Restrictions of Fellowships.

9. None are open without restriction, they are all limited to certain dioceses and counties, with the exception of one which is for Founder's kin.

10. Will you quote the clauses of your Statutes on which any such restriction rests, together with any special reasons which the Founder or framer of your Statutes may have had for this restriction.

10. See Statutes, c. 9 and 14.

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the Statutes allow for opening the Foundation?

11. The restriction is absolute to certain counties. In case of no eligible Candidate appearing for a particular county, the College has occasionally thrown open the election to all the counties on the foundation.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

Elections and examinations.

14. The Scholarships are disposed of strictly according to merit, rigorously tested by examinations.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

CORPUS CHRISTI COLLEGE.

The Tutors of Corpus Christi College.

15. That if the Scholars have attained the degree of M.A. they shall succeed in order of seniority, and that if there be no M.A. a decided preference be given to our own Scholars above other members of the University belonging to the county, for which there is a vacancy.

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

Higher Degrees.

17. Yes, in Theology. The Fellows are bound to proceed to the degree of B.D. at the least.

18. Do your Statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the Statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

Decrease of Fellowships.

18. There is a *decided* provision for a decrease in the number of the revenue fund, *vide* ch. 55. The Founder does not appear to have contemplated an increasing revenue.

19. Do your Statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your Statutes on which such permission or prohibition rests?

Commoners.

19. They permit the admission of "sex nobilium filii aut jure regni peritorum," see c. 24.

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your Statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

Property disqualification.

20. An annual income of "centum solidi" statutably vacates a Fellowship (this is fixed by the Visitor at 200*l.* landed property), the rule is only enforced in regard to real property.

21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the Statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

21. It is expressly laid down in the Statutes that all the Fellows take Holy Orders, except one who may be deputed to the study of Medicine.

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

22. See Answer 15.

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

23. Persons are not excluded on either ground.

24. Are Fellows or other members on your Foundation allowed by Statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

Ecclesiastical preferment.

24. Doctors of Divinity are allowed to hold preferment not exceeding 10*l.*, other Fellows not exceeding 8*l.*, in the Book of Valuation of Pope Nicolas.

25. What statutable restrictions limit the selection of your Head?

25. Chiefly that he must be or have been a Fellow, and that he be in Holy Orders.

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

26. We do not possess exact information.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the Statutes allow any special liberty of choice in the Fellowships so connected?

Prælectorships.

27. There are three such Prælectorships, sc. of Latin, Greek, and Divinity, and Fellowships are connected with them, see c. 21. (The Founder appears to have contemplated three, but only the two former were actually founded.)

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

Schools.

28. The College has the nomination to the first and second Masterships of the Grammar Schools at Manchester and Cheltenham, of the latter of which they are the Trustees.

29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or Ordinances?

Visitor.

29. The Visitor is allowed a power of interpretation and injunction, "Super dubiis statutorum emergentibus," see c. 13 and 55; and has frequently interposed his authority for the modification of the Statutes, or dispensing with their literal observance.

30. Are Gentleman-commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari*? To what charges are they liable, beyond those borne by other independent members?

Gentleman-Commoners.

30. We have ceased to take Gentleman-Commoners.

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

Exhibitions.

31. We believe that about two-thirds of our Foundation members receive assistance from schools and public companies.

32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible Clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

32. We have four Exhibitioners, two of whom were designed by the Statutes to be Choristers, and two in Minor Orders. They are appointed by the President and Bursars.

Tutors.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

33. There are three Tutors, and during the present year there has been one Mathematical Lecturer. The President does not take part in the tuition.

Corpus Christi College.

The Tutors of Corpus Christi College.

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. No; they all reside within the walls.

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

35. There is a division of subjects.

Lectures.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. Lectures are given during 24 weeks in the year. There are about 30 lectures a week, embracing Divinity, Moral Philosophy, Ancient and Modern History, Scholarship, Logic and Mathematics. Five Undergraduates are reading in the higher parts of Mathematics.

37. Are any members of the College required to attend any Professors' Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

37. No.

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

38. None.

39. Can you state how many Undergraduate members of your Society are now reading with private Tutors?

Private Tutors.

39. About six.

40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced; and by what means? Is attendance at Chapel ever enforced as a punishment?

Attendance at chapel.

40. The attendance actually enforced is once a-day, and twice on Sundays and Holidays. Attendance at Chapel is not ordinarily enforced as a punishment.

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

Religious instruction.

41. There are no Sermons or Lectures delivered in the College Chapel.

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

Expenses.

42. The average amount for Gentleman-Commoners has been about 130*l.*, including tuition, rooms, &c. We cannot yet say what the average for Commoners will be.

43. Will you have the goodness to supply the Commissioners with a weekly Battel Bill of the average amount, and with a quarterly Battel Bill for each of the four quarters of 1849, also of the average amount?

43. We enclose an average weekly bill.

Corpus Christi College.

Mr. Hyde, *3rd Week.* *1st Quarter,* 1851–2.

Beginning 17th October.

	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.			
	s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	£.	*s.*	*d.*
Breakfast . . .	..	..	..	..	..	..	..		..	
Lunch	0 1	..	0 3	0 6	0 4	0 4	0 3	0	1	9
Dinner	1 1	1 2	1 1	1 1	1 1	1 1	1 1	0	7	8
Supper	..	..	..	..	..	..	..		..	
Buttery. . . .	1 1	0 8	0 8	0 7	0 5	0 6	0 5	0	4	4
Coals and Faggots .	..	..	..	..	..	..	..	0	2	4
Letters	..	..	..	..	..	..	..		..	
Total of Week .	..	..	..	..	..	..	..	0	16	1

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

Library members.

46. The Library is only open to those above the degree of B.A.

47. What number of Undergraduates is your College capable of accommodating?

47. About 12, besides the Foundation members usually resident.

J. M. Wilson.
George Hext, *Tutor.*
Henry Pritchard, *Dean.*
G. F. De Teissier, *Tutor.*

Opinion of the Bishop of Winchester as Visitor.

On receiving the request of Her Majesty's Commissioners to be furnished with a copy of their Statutes, and with answers to certain questions, the President and Fellows of the College consulted their Visitor, the Bishop of Winchester, as to whether he saw any *statutable* objection to their complying with the request. His reply was, that he saw no *statutable* objection.

CHRIST CHURCH.

In reply to Letters II. and III. no answers were received from Christ Church.

July 9, 1851.

Rev. C. R. Conybeare, M.A.

THE following is a tabular form, giving examples of the College bills paid during the last year, by an economical and expensive commoner; and also examples of a Gentleman-commoner's College expenses at Christ Church:—

COMMONERS.

	HILARY TERM.						EASTER AND OCTOBER TERMS.						MICHAELMAS TERM.					
	Low.			High.			Low.			High.			Low.			High.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
To the Butler, for University and College dues, tax, decrements, tuition, servants, bread, butter, beer, cheese, &c. . . .	10	13	0	13	7	0	15	0	8	18	0	0	13	3	0	15	0	9
To the Manciple, for meat and vegetables .	3	10	0	3	10	0	4	2	0	4	2	0	4	2	8	4	2	8
To the Cook, for meat at breakfast, luncheon, and supper		..		3	10	0		..		3	10	0		..		3	10	0
Room rent	2	2	0	5	5	0	2	2	0	5	5	0	2	2	0	5	5	0

GENTLEMAN-COMMONERS.

To the Butler, as above	24	0	0	28	0	0	23	0	0	30	0	0	27	0	0	29	0	0
To the Manciple, as above	11	15	5	11	15	5	12	15	10	12	15	10	12	2	0	12	2	0
To the Cook, as above		..		6	0	0		..		6	0	0		..		6	0	0
Room rent	3	3	0	5	5	0	3	3	0	5	5	0	3	3	0	5	5	0

The above are all the bills paid to the College. There remains, of *necessary* expenses of College life, 1stly, washing; 2ndly, coals; 3rdly, candles; 4thly, cream; 5thly, tea, sugar, &c.; 6thly, books; and, as very much of the advantage of an University education seems to me to be owing to the awakening and liberalizing influence of men's intercourse with each other, I ought to add (though it is not, strictly speaking, a necessary) a seventh item, social expenses; what all these have been for the last year to a man living economically, and yet mixing in society, I have added below:—

	Per Annum. £.	s.	d.
Washing	7	10	0
Coals	7	16	0
Candles	1	5	0
Cream	1	16	0
Tea, sugar, &c.	4	10	0
Books	5	10	0
Wine and dessert	11	0	0
	£39	7	0
Subscription to boat club, cricket club, fees to postmen, and Christmas-boxes.	3	3	0

The only remaining expenses are those of dress and travelling, which, of course, depend entirely on the individual. I have not taken the lowest expenditure I know of, but one which is a fair sample of what any man might, with no very difficult measure of self-denial, follow.

CHARLES R. CONYBEARE, M.A., *Reader.*

TRINITY COLLEGE.

TRINITY COLLEGE.

Rev. J. Wilson, D.D., President of Trinity College.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

Trinity College, Oxford, October 28, 1850.

My Lord,

I have the honour of acknowledging the receipt of a printed copy of Her Majesty's Commission for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, and the accompanying letter of your Lordship of the 21st ultimo; and am,

My Lord,
Your Lordship's obedient humble Servant,
J. WILSON, *President.*

The Right Rev. the Lord Bishop of Norwich,
&c. &c. &c.

ST. JOHN'S COLLEGE.

ST. JOHN'S COLLEGE.

Rev. P. Wynter, D.D., President of St. John's College.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

St. John's College, Oxford,
October 30, 1850.

My Lord,

I have the honour to acknowledge your Lordship's letter of the 21st instant, received on the 27th, accompanying a copy of the Commission which Her Majesty has been pleased to issue for inquiring "into the State, Discipline, Studies, and Revenues" of the University of Oxford and "of all and singular the Colleges" in that University.

As the matters embraced within so wide a range of subjects affect the Fellows of my College no less than myself, I propose to take an early opportunity of laying your Lordship's communication before them, when, if it should be necessary, I will take the liberty of addressing your Lordship again.

I have the honour to be,
My Lord,
Your Lordship's faithful Servant,
P. WYNTER, *President.*

The Lord Bishop of Norwich.

To Letters II. and III. of Her Majesty's Commissioners the following Answers were received:—

St. John's College, Oxford,
January 1, 1851.

My Lord,

In reply to a letter which I had the honour to receive from your Lordship as one of Her Majesty's Commissioners appointed to inquire into the state of the University of Oxford, &c., I stated that I would take an early opportunity of laying your Lordship's communication before the Fellows of my College. This I have done. A very numerous meeting assembled here, and I am requested by those present to make Her Majesty's Commissioners acquainted with the result of our deliberations.

In addition to your Lordship's letter with its enclosure, I communicated to the meeting three printed letters received from the Secretary, Mr. Stanley, and after a lengthened discussion, it was resolved that to inquiries addressed by the Commissioners to any Officer of the College in reference to its state, discipline, or studies, all reasonable information be supplied; but that touching its corporate and other revenues it be respectfully intimated to the Commissioners that the President and Fellows of St. John's College decline to furnish the information asked for. Also that they do not consider themselves at liberty to transcribe and transmit copies of their Statutes and regulations to the Commissioners.

The distinction made in regard to the respective heads of inquiry above adverted to, will, no doubt, be the subject of remark. But though I would not trouble your Lordship with a detail of the reasons which influenced the majority of the meeting to adopt such distinction, I may perhaps be permitted to observe that as on the one hand they involve no disrespect to Her Majesty's Commissioners, so on the other they reflect no discredit on this Society, bound as it is by its Statutes, and authorized by the law of the land to carry into effect the will and intentions of the Founder.

I have the honour to be,
My Lord,
Your Lordship's faithful Servant,
P. WYNTER, *President.*

The Lord Bishop of Norwich.

Answers to Letter III. from the Rev. R. W. Browne, M.A., Professor of Classical Literature in King's College, London, and late Fellow and Tutor of St. John's College.*

St. John's College.
Rev. R. W. Browne, M.A.

Sir, *King's College, London, Dec.* 14, 1850.

I beg to acknowledge the receipt of your questions of the 6th instant. As it is now eleven years since I ceased to be Fellow and Tutor of St. John's College, Oxford, and I have no means of referring to the Statutes of that College, the information which I can give respecting them is only based on recollection and on general impressions respecting their contents. On other points my evidence principally applies to the College during the years in which I was Tutor, namely from 1831 to 1835.

I have the honour to be
The Rev. A. P. Stanley, &c. &c. your obedient servant,
R. W. Browne.

1. Is your Society governed by Statutes? If not, are there any orders or rules by which it is governed?

1. St. John Baptist's College is governed by Statutes. I am not aware of any other rules or orders for its government. Statutes.

2. If the Society is governed by Statutes, were those Statutes given by the Founder? Are the original Statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

2. The Statutes were given by the Founder, and are, with the exception of those to which the Reformation has rendered obedience impossible, unrepealed, and therefore in force. Founder.

3. Is there any provision in your present Statutes for their alteration or amendment; or was there in your original Statutes, any such provision?

3. I am not aware of any provision existing in the Statutes for alteration or amendment, except by the interference of the Visitor, but how far his power extends I do not know. Alteration of Statutes.

4. Will you state in what respect, if any, your Statutes have ceased to be observed, whether owing to lapse of time or other causes?

4. I cannot specify what particular Statutes are not observed, but have no doubt that there must be many cases of non-observance, as many through lapse of time must have become inconvenient and unsuited to the present day. Non-observance of Statutes.

5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

5. Few of the Fellows are resident except those who hold College offices. I do not think that the University or College would be benefited by the enforcement of residence, because (1) it would prevent the majority of the Fellows from being usefully occupied in their respective professions; (2) only the residence of those who reside for the purposes of study could possibly be beneficial, as, although residence might be made compulsory, studious habits could not be enforced; (3) the occupation of the rooms by so large a body of Fellows would preclude the possibility of having any independent members. Residence of Fellows.

6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted. Is that permission applicable to any other Members of the Foundation, besides the Head?

6. I do not think the marriage of the President is at all prohibited by the Statutes, modified as they would be in this respect by the permission of clerical marriages since the Reformation: that of the Fellows is decidedly. Marriage of the Head and the Fellows.

7. Does the College consist of several Foundations? If so, do the Fellows on the several Foundations enjoy the same rights and advantages?

7. There is but one Foundation in the College.

8. Are there in your College any unincorporated or Bye Fellows? If so, by what Statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

8. There are no unincorporated or Bye Fellows.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

9. There are no Endowments whatever open to competition without restriction. 37 Fellows are elected from Merchant Tailors' School if so many can be found duly qualified; if not, they are to be elected from Christ's Hospital, and next from any school in London. 2 are elected from Reading, 2 from Coventry, 2 from Bristol, 1 from Tunbridge, and 6 must be of kin to the Founder. Restrictions on Fellowships.

10. Will you quote the clauses of your Statutes on which any such restriction rests, together with any special reasons which the Founder or framer of your Statutes may have had for this restriction.

10. The Founder states in his will that he is especially bound to the Londoners, and above all to the Company of Merchant Tailors, of which he was a member. He therefore enacts that, after an examination by the President and two Senior Fellows of St. John's and two other learned men, the Master, Wardens, and Assistants of the Company shall elect the Probationary Fellows or Scholars, who must be approved by the President,

* For Professor Browne's general Evidence, see Part I., p. 4.

ST. JOHN'S COLLEGE.

Rev. R. W. Browne, M.A.

Fellows, and Examiners. This election takes place on the 11th of June in London. The scholars elect are then examined again at Oxford for admission.

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the Statutes allow for opening the Foundation?

11. If the candidates are in the opinion of the Examiners qualified, the restriction is absolute. Instances have occurred, especially of late years, of Scholars and Fellows being rejected on the ground of unfitness. In one case the corporation of Reading threatened an action to compel the admission of their scholar, but I do not think it was ever brought into court.

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

13. I have stated my opinions on this point in my former evidence.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examination?

14. The Fellowships, &c., cannot be disposed of strictly by merit, because all that the Statute allows the College to demand is fitness. Nevertheless, to be elected to a Merchant Tailors' Fellowship is an evidence of merit, as a boy who gains one must have worked his way to the top of a school of 250 boys in which there is no foundation and no privilege whatever, and in which the number superannuated yearly is very large in proportion to that of those who gain their scholarships.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships or the like? What is the practice in this respect?

Connexion of Scholarships and Fellowships.

15. The Scholars are Probationary Fellows, and at the end of 3 years are, if their fitness is proved by examination, elected full Fellows. The Founders' kin are full Fellows immediately.

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

16. My opinion has always been that, as a general rule, the more open Fellowships and Scholarships can be, the better it is for the College.

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

Higher Degrees.

17. What the *exact* provisions of the Statutes are I do not know, but the Fellows always proceed to the degrees of D.C.L., M.D., or B.D., in obedience to the Statutes.

18. Do your statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the Statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

Increase of Fellowships.

18. I do not think that there is any injunction in the Statutes to this effect, nor do I think it could well be acted upon if there were. The provision for Domus is so liberal that little is left comparatively to divide amongst the Fellows. The income of an undergraduate and B.A. Fellow is not more than 60*l.*, that of an A.M. Fellow about 100*l.*: of the income of the higher graduates I have no knowledge, as I vacated my Fellowship before I arrived at a higher degree. But a regular scale is fixed by Statute, which is strictly observed.

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your Statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

Property disqualification.

20. I do not know what the regulations of the Statutes are respecting property, nor do I know how they are enforced, as I never was one of the 10 seniors who are the governing body. I know of one instance of a Fellow voluntarily resigning his Fellowship on inheriting a small property, and another instance of one doing so on becoming entitled to a Government pension. The enforcement of such a rule, in fact of any rule which would render the succession more rapid, would be beneficial, but still the limit should be fixed liberally and in accordance with the scale of incomes of men of similar rank and station at the present day.

21. Is the Head of your Society, statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the Statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

21. All the Fellows are obliged to enter into Holy Orders, with the exception of 12 who graduate in law, and one who may proceed in medicine under the title of College Physician. I am not sure whether the reason may not be because the former are obliged to proceed to the B.D. degree.

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

Academical restrictions.

22. The Fellows are elected at three years' standing. I do not think inconvenience need arise from this practice if the qualification required is high enough, but the practice of the Founders' kindred being full Fellows immediately appears to me highly objectionable.

24. Are Fellows or other members on your Foundation allowed by Statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

ST. JOHN'S COLLEGE.

Rev. R. W. Browne, M.A.

Ecclesiastical preferment.

24. I believe that Fellows are not allowed to hold preferment of above 10*l.* value in the King's books from any source whatever. In the case of College preferment, the fellowship is invariably resigned, however small the value. The only exceptions to this are the four College curacies in and near Oxford, which are of very small value.

25. What statutable restrictions limit the selection of your Head?

Election of the Head.

25. The President must be elected from those who are or have been Fellows.

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

Advowsons.

26. Some advowsons were given to the College by Archbishop Laud; others have been bought from time to time with a fund left to the College for that purpose.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the Statutes allow any special liberty of choice in the Fellowships so connected?

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

27 and 28. No.

29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or Ordinances?

Visitor.

29. Bachelors of Arts were formerly obliged by Statute to reside three weeks in every term until their M.A. degree. About the year 1829 or 1830 they were relieved from this. This is the only instance which I remember of the interposition of the Visitor in my own time. About 20 years after the Founder's death I believe it was found that there were no funds for the maintenance of the choir; consequently an appeal was made to the Visitor to sanction its suppression. The choir was afterwards endowed and placed on its present footing by the munificence of a private benefactor, Sir William Paddie.

30. Are Gentleman-Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari*? To what charges are they liable, beyond those borne by other independent members?

Gentleman-Commoners.

30. The College did not admit Gentleman-Commoners until after I ceased to be Tutor.

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

Exhibitions.

31. There are six Andrews Law Scholarships of 50*l.* per annum, tenable for twelve years, unless the Scholar enters into Holy Orders; and one Stuart's Exhibition, of about the same value, or rather more, tenable for seven years. These are given according to the wills of the Founders, respectively, to superannuated Scholars of Merchant Tailors' School. They are paid by the Merchant Tailors' Company as trustees, on the production half-yearly of a certificate from the President, stating that the Scholar is well-conducted and has kept all required residence.

32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible-Clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

Bible Clerks.

32. There are two Bible Clerks, who have rooms and tuition free; and the same allowance in hall towards table as the Scholars, namely, about 2*s.* per week. The stipend of the senior is about 40*l.* per annum, that of the junior about 20*l.* The Bible Clerkships are tenable for four years, and the junior succeeds to the senior's place on a vacancy occurring. Their duties are to prick the names of the Undergraduates in chapel, and to find out the lessons for the day ready for the reader. At the administration of the Sacrament of the Lord's Supper they collect the alms.

They are appointed by the President, who always appoints the son of some person of limited means; if possible, the son of a clergyman. Their dress is the same as that of the Scholars; they sit at their table in hall, and are treated in every respect, both by the authorities and the Undergraduates, in the same way as the other students.

I consider the Bible Clerkships most beneficial. The Bible Clerks, if well conducted, which is almost universally the case, are treated with the utmost kindness and respect. They never have occasion to think themselves inferior to the other men; and although they mix in the society of the College on a footing of perfect equality, it is fully understood that, if they ask any friends to their rooms, they are to do so in the most inexpensive way. An extravagant Bible Clerk would lose the respect and good opinion of the other undergraduates. Some of the St. John's Bible Clerks have been highly distinguished in the University. This very year one is in the first class.

There should be, in my opinion, some emoluments such as these are, and such as are the sizarships of Cambridge, which poor scholars can hold without a feeling of degradation, and which are restricted to poor men. Scholarships, like all University honourable distinctions, should be open to all without distinction of rank or property. This principle is as beneficial to the poor man as to the rich, because it puts the poor man of merit at once on a par with his more fortunate fellow-student in point of social position. The number of Bible Clerks at St. John's were, I believe, never more than two, but the foundation of assistances of a similar kind in all societies, if practicable, would be most desirable.

T. John's College.

Rev. R. W. Browne, M.A.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

Tutors.

33. There were formerly two Tutors; now there are three. There is a Catechetical Lecturer, whose duty it is to preach a series of lecture-sermons in the chapel. There are also other lectureships, but they are poorly endowed with about 5*l.* each; of course but little duty can be expected from those who hold them. When I held the lectureship of Natural Philosophy, which was 5*l.* per annum, I delivered six popular lectures on the subject in hall; others have done the same. There are sermons delivered in chapel on certain days, for which a small fee (perhaps 1*l.* 1*s.*) is received.

The President superintends the discipline of the College. He always examines with the Tutors and other College officers at the terminal examinations (collections).

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. There are no Tutors now who are not on the Foundation, and they all reside in College. Sometimes an independent member has been appointed mathematical tutor, if the President thought it expedient. But the College has always had Fellows competent to fill the other tutorships.

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

35. There is a mathematical Tutor, who confines himself to these subjects. The other Tutors divide the classical and theological instruction between them.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

Lectures.

36. Lectures are given during about twenty-five weeks. Each Tutor lectures, on an average, three hours daily during five days in the week; perhaps the mathematical Tutor gives rather fewer lectures. The average number of lectures given weekly in the College would therefore be from forty to forty-five. The subjects, when I was tutor, were—Greek Testament, Aristotle's Ethics and Rhetoric alternately; occasionally the Poetics, and Plato's Phædo, Herodotus, Thucydides, Aristophanes, Æschylus, Sophocles, Euripides, Xenophon, Cicero, &c. There was a lecture in Euclid and Algebra. The average number of men who used to read with me the higher mathematics was seldom more than four or five. By the higher mathematics I mean algebraic geometry, differential and integral calculus, mechanics, optics, &c.

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

Professor's Lectures.

37. The Undergraduates were not compelled to attend the lectures of the Professors at the period of which I am able to speak, but were always strongly urged and encouraged to do so. The public lectures principally attended by the Undergraduates then were those of the Camden Professor of Ancient History, the Reader in Moral Philosophy, the Savilian Professor of Geometry, the readers in Natural Philosophy and Geology.

40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

Attendance at chapel.

40. I do not know whether the Statutes required attendance at chapel. Every Undergraduate is required by the College authorities to attend chapel once daily and twice on Sunday. I believe, in cases of non-attendance, impositions are set by the deans; but as I was only a B.A. when I was Tutor, I never filled the office of Dean of Arts, which must be held by a Master of Arts.

Attendance at chapel is never enforced as a punishment.

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

Religious instruction.

41. The Tutors give lectures in the Greek Testament, and catechetical lectures and sermons are delivered in the chapel. But, beside these lectures, the Tutors are in the habit of seeing the Undergraduates occasionally in private in their rooms, or of walking out with them, and conversing as well on subjects of religious instruction as on other subjects. This is especially the case when any of the Undergraduates are about to undergo their public examinations. Besides this a portion of the Old Testament, one of the Gospels or other parts of the New Testament in Greek, and a certain number of the Thirty-nine Articles are expected to be prepared by each Undergraduate in their private reading, for the examination at the end of term.

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849.

43. Will you have the goodness to supply the Commissioner with a weekly Battel Bill of the average amount, and with a quarterly Battel Bill for each of the four quarters of 1849, also of the average amount?

44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respect?

Expenses.

42-45. The average amount of Battels of an independent member I should place at 75*l.* or 80*l.* For other observations on points connected with this subject, see my former evidence.

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

46. There is no difficulty in the way of any member of the College making full use of the library under certain very simple regulations necessary for the preservation of the books. I believe a very small fee is paid to the library at matriculation, but I do not think any fee is demanded afterwards. Library.

47. What number of Undergraduates is your College capable of accommodating?

47. The number of rooms available for Undergraduates depends on the number left vacant by non-resident Fellows, but on an average the College will accommodate about 50 or 55. Numbers.

R. W. BROWNE,
Professor of Classical Literature in King's College, London.

Mr. _____ BATTELS _____ Week ending _____, Quarter, 184___.

	FRIDAY.	SATURDAY.	SUNDAY.	MONDAY.	TUESDAY.	WEDNESDAY	THURSDAY.	£. s. d.
Bread, Butter, Cheese, Toast, Muffins, and Coffee								
Beer, Porter, &c.								
Meat, Poultry, Fish, Soup, Sauce, and Vegetables								
Pastry, Jellies, Pickles, and Eggs								
Milk, Cream, Gruel, and Whey								
Hire of Sheets, Table-Cloths, Towels, and Oyster-Cloths								
Coquus for Plates, Dishes, &c., for extra Dinners and Breakfasts								
Ditto for Fast-Night Suppers, Brawn, &c.								
Knives								
Candles								
Letters								
Janitor								
Butler, Servitors, Bedmaker, Water-Plates, and Silver Forks								
Famulantibus								

Quarterly Payments.

University Dues	
College Dues	
Tonsor	
Laundress	
Shoe Cleaning	
Fueler's Roll	
Bedmaker	
Waiters in Hall	
Common Room	
Messenger	
Chimney Sweep	
Total Amount of Battels for the week	

Rev. J. A. Hessey, D.C.L.

Answers to Letter III. from the Rev. J. A. Hessey, D.C.L., Head Master of Merchant Tailors' School, formerly Fellow of St. John's College, Oxford.

My dear Stanley, *School-House, Merchant Tailors', London, January* 14, 1851.

I have examined with some care the paper of questions issued by the Commissioners, bearing date Dec. 6, 1850.

I proceed to make a few remarks upon them, in two capacities—*first*, as a member of St. John's College, of which I was a resident Scholar or Fellow for nearly fourteen years; *secondly*, as the Head Master of Merchant Tailors' School, which has an absolute right to thirty-seven fellowships in that College, and a contingent right, on the failure of Founders' kin, to six more.

In the former of these capacities, I remark upon your *first six* questions, your *eighteenth*, and your *twenty-ninth*.

> *Question* 1. Is your Society (*i. e.* St. John's College) governed by Statutes? If not, are there any orders or rules by which it is governed?
> *Question* 2. If the Society is governed by Statutes, were those Statutes given by the Founder? Are the original Statutes in force, wholly or in part? If they are not in force, by what authority, and when, have they been altered?
> *Question* 3. Is there any provision in your present Statutes for their alteration or amendment; or was there, in your original Statutes, any such provision?
> *Question* 4. Will you state in what respects, if any, your Statutes have ceased to be observed, whether owing to lapse of time or other causes?
> *Question* 18. Do your Statutes enjoin that your fellowships, studentships, scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the Statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?
> *Question* 29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or Ordinances?

Statutes.

Remarks.—St. John's College is governed by Statutes. These Statutes were drawn up in many respects after the model of those of New College, and were revised by Sir William Cordall, Master of the Rolls, an intimate friend of Sir Thomas White, the Founder. They were approved by the Founder himself and solemnly attested by him. They are still in force, except in the following cases:—

Non-observance.

First. Where the law of the land is opposed to carrying out any of their provisions—for instance, where certain ecclesiastical ceremonies are prescribed which are unlawful under Acts of Parliament.

Secondly. Where, in consequence of the intermission or alteration of certain University exercises, it has become inexpedient to retain the exact course of subjects or the exact exercises which the Statutes prescribe.

Thirdly. Where the alteration of national manners and habits has rendered a literal observance of certain original regulations absurd, *e. g.* such as those which enjoin "that the Scholars should walk out two and two together;" or those which make a Scholar and Fellow live "in eodem cubiculo," and the former, in return for instruction given him, "servire socio in omnibus licitis et honestis."

Fourthly. Where it has seemed good to the Society (whether rightly or wrongly), with the sanction of the Visitor, to intermit certain regulations which interfered with the reception of young students into the College. The exemption of Fellows from residence, except for one term, between their B.A. and M.A. degrees, which was granted, with the sanction of the Visitor, about twenty-five years since, is a case in point.

Fifthly. Where the funds bequeathed by the Founder have proved absolutely inadequate for the purposes intended by him. The discharge of the College from the duty of maintaining a choir is a case in point. (*N.B.* The present choir is of more recent foundation, and is supported, I believe, in a great measure, by funds bequeathed by Sir William Paddie, M.D., who died in 1634.)

Power of alteration.

In my opinion, the original Statutes confer power on the President and ten seniors to make what modifications are required. I believe there is a clause in which something like the following expression occurs: "If the President and ten seniors shall devise anything that is greatly for the benefit of the College, that thing so devised shall be binding upon the College."

But however this may be, the following extract seems, if not by its direct terms, yet at least by the analogy which they imply, to allow the President and ten seniors, *first*, to make what alterations they consider necessary in the regulations of the College; *secondly*, to reduce the number of persons maintained on the Foundation if the revenues are insufficient:—

Extract.—See Wilson's History of Merchant Taylors' School, p. 335.—"Cæterum cum hactenus in his statutis nostris multa multis in locis occurrant, ad quæ omnia et singula observanda, præsidens, socii, et scholares prædicti Collegii nostri in virtute sui juramenti astricti videri possint, jam inde statim a primâ sua in Collegium admissione, quorum tamen nonnulla, imposterum, magis per nos perficienda, per Dei gratiam, speramus quam adhuc suis numeris perfecta cernimus, et idcirco fieri omnino nequeat, ut ad amussim exactèque prius a Collegialibus nostris observentur, quam annui eorundem reditus ad eam summam excreverint, quæ prædicto totali numero, cæterisque necessariis impensis et oneribus ferendis sufficiat; illud postremo omnium loco, tanquam colophonem operis et totius sententiæ nostræ scopum certissimum, subjicimus, ad quem illiusmodi omnia referri debeant, quæ

commodè adhuc, vel per numeri defectum vel per reddituum inopiam, præstari minimè possint, haud esse instituti, aut voluntatis nostræ, ut ulterius illa quenquam obligent (injecto conscientiæ perjurii laqueo) quam pro ejus numeri reddituum-que ratione, quæ vel imposterum, per Dei gratiam, suo opportuno tempore, a nobis, atque hæredibus nostris concedetur, eam vero utrobique tempore, numero et annuis redditibus, consonam, tum impræsentiarum quæ præsens est, tum imposterum (quod speramus), futuram, inviolabili fide perpetuo observandam, Collegialibus prædictis nostris, omnibus et singulis quantâ religione possumus, in Domino mandamus, præcipimus, imperamus.

"Et ne quis in animis eorundem sempulus resideat, ex eo quod in statuta perinde deinceps per nos edenda atque jam edita, suæ fidei verba jurati dederint, per addenda hujusmodi, sola et nulla alia intelligi volumus, quæ præsidens ejusdem Collegii, una cum assensu libero et consensu decem sociorum maximè seniorum qui pro tempore erunt, rata habere velit. Alioqui irrita prorsus et pro addendis nullo modo habenda."

Visitor's powers.

The Visitor's power is very limited; I believe he cannot visit personally without being called in, and his expenses must be paid by the party calling him in.

I know two cases in which letters from the Visitor have been received: they have been already alluded to.—*First*, when he was requested, soon after the foundation of the College, to agree to the abandonment of the choir, because the revenues bequeathed were insufficient; *secondly*, when he was requested to sanction the intermission of the residence of Fellows between B.A. and M.A. degrees; but no doubt there are many others.

I know also a case in 1847, when he was appealed to by certain of the Fellows, on the question whether, in the rejection of a Scholar on the Tunbridge foundation, after three years' probation, the President had an absolute negative. His decision was in favour of the President, and the matter was considered settled.

Question 5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

Residence of the Head.

Remarks.—I believe that the Head of the College cannot by the Statutes be away from his lodgings more than six weeks together.

Residence of the Fellows.

As to the residence of the Fellows, I believe there is no time specified at which they are in so many words permitted to begin to absent themselves from College; but then, on the other hand, it does not seem to be said that they are always to be in residence. I do not conceive them bound to reside for ever, for the following reasons:—

First.—When a Scholar is admitted, he professes that he intends "per quinquennium ad minus in dicto Collegio permanere, insistendo per idem tempus studio literarum." The mention of a limited period seems to imply that the Founder supposed some time or other when residence might be neither necessary nor desirable.

Secondly.—So early as 1632 I find one of the Fellows, then a Master of Arts, non-resident: this was John Edwards, who was elected a Scholar in 1617, and was on Feb. 13, 1631-2, appointed Head-Master of Merchant Tailors'. During his incumbency he resided in London. He resigned it, being still a Fellow, in 1634, and was elected Proctor of the University in 1635. There are many other instances in the early history of the College which show that non-residence was permissible.

Thirdly.—There are cases in which formal leave to travel is granted by the President and ten seniors, under provisions of the Statutes.

Fourthly.—If the Bishop or the King requires the service of a Fellow, he may be non-resident, at any rate for a time. (This seems to me a very extensive permission.)

On the whole I consider that the Fellows are not bound to be always in residence. The President may at any time call them up, under severe penalties, for College business, but I conceive that they may be away,

First, for the benefit of the College and the enlargement of its accommodation for younger students;

Secondly, for the benefit of the Church and nation, when, having completed their degrees in their respective faculties, they may be supposed likely to be useful elsewhere;

Thirdly, when they have obtained special permission (as in the case of travelling abroad);

Fourthly, when the Bishop wants them, *i. e.* for serving churches as Curates; or the Archbishop, for Advocates in Doctors' Commons;

Fifthly, when they are wanted as Royal Chaplains or Barristers in the Queen's courts of law.

I suspend my answer to a part of Question 5—"Would the University or the College be benefited, in your opinion, by the general enforcement of residence?"—because, as I shall show presently, the Founder intended to benefit other bodies, *besides* the College and the University.

Question 6. Is the marriage of the head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other members of the Foundation besides the Head?

Marriage of the Head and Fellows.

Remarks.—I believe the Statutes permit the marriage of the Head of the College. But marriage vacates a scholarship or fellowship, *ipso facto*, and no year of grace is in this case allowed.

Thus far I have given you my idea of the degree of obligation in which the Statutes appeared to me to bind the conduct of the Fellows and Scholars of St. John's when I was on the Foundation myself. I should add, however, that I cannot be supposed to be justifying my own conduct, at any rate in the matter of residence, for I was always resident, except during vacations.

ST. JOHN'S COLLEGE.

Rev. J. A. Hessey, D.C.L.

Restrictions on Fellowships.

I proceed to make some remarks upon the matter, though not exactly upon the very terms, of the questions 7 to 16 inclusive. This I do as Head Master of Merchant Tailors' School.

Question 7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?

Question 8. Are there in your College any unincorporated or Bye Fellows? If so, by what Statutes are they governed? Do you consider such Fellowships beneficial to the society? Or do you think their present position might be altered with advantage?

Question 9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

Question 10. Will you quote the clauses of your Statutes on which any such restriction rests, together with any special reasons which the Founder or framer of your Statutes may have had for this restriction?

Question 11. Is the restriction absolute? If not, has the College availed itself of any facilities which the Statutes allow for opening the Foundation?

Question 12. If the Statutes give a "preference" to certain candidates, how do you interpret such preference?

Question 13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

Question 14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

Question 15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

Question 16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

Remarks.—I hope to show,—

First, that the Founder, by constituting what is called, somewhat invidiously, *a close foundation*, intended to benefit certain schools, families, or localities, and not the College or the University only.

Secondly, that he has benefited a certain school, Merchant Tailors', very much. (The families and localities of course can speak for themselves, I am concerned with my school.)

Thirdly, that, supposing I were not to do my duty, as Head Master, or that for any other reason Merchant Tailors' School were to fail to supply fitting Scholars, the Founder has introduced provisions into his Statutes by which a remedy may be found without any external assistance such as a Commission issued by the Crown.

Fourthly, that, supposing the family of Sir Thomas White to fail, Merchant Tailors' School is entitled to all the fellowships belonging to that family.

Fifthly, that, although the Merchant Tailors' fellowships at St. John's are what are called *close*, their holders need not fear comparison, so far as University and other distinctions are concerned, with the most open College in Oxford. This I shall show by a list of the Fellows who have proceeded from hence for the last ten years.

Sixthly, that the Statutes of St. John's have been strictly carried out, so far as Merchant Tailors' School is concerned.

to Bristol, Coventry, Reading, and Tunbridge schools;

Sir Thomas White founded *fifty fellowships* in St. John's College. Of these he gave *two* to Bristol School, *two* to Coventry School, *two* to Reading School, and *one* to Tunbridge School. With these *seven* I have nothing to do, they can defend themselves. I have only to make this remark—that, supposing these schools to fail to send up fitting candidates, the College may resort to any school in England for a supply, and that thus the seven fellowships are virtually open—"ex omnibus totius regni Angliæ partibus sumendos volumus, si modo habiles et idonei . . . è Scholis superius nominatis non reperiantur." One case of this kind occurred within my own recollection: no fit Scholar was sent from Reading School in 1842; three who appeared from it were examined and rejected. On this being made known, several candidates presented themselves, two of whom were from Merchant Tailors' School. An examination took place, and one of these latter was elected. He afterwards took a first class in Litt. Humanior, and is now one of the Masters of the Charterhouse.

to Merchant Tailor's school.

The remaining *forty-three* fellowships Sir Thomas White founded for the especial benefit of Merchant Tailors' School, in the parish of St. Laurence Pountney. He was, you will recollect, a leading member of the court of that company. "Omnes Londinenses charos habemus, illos tamen præcipuè quibus Mercatorum Scissorum nomen imponitur (e quorum numero nos esse profitemur)."

"*Quadraginta tres Scholares.*"

"Eos tamen Scholares cæteris anteponi in omnibus electionibus volumus qui in Scholâ Litterariæ Fraternitatis prædictæ (viz. the Merchant Tailors' Company) in Parochiâ Sancti Laurentii Pountney Grammaticæ operam dederint, *quam Scholam* majorem in modum prosequimur, quia ab eisdem Magistro, Gardianis, et Assistentibus (*i. e.* Master, Wardens and Court of Assistants) extructa fuit ac dotata, modo tot apti illic ac ad dialecticum percipiendam idonei a prædictis Magistro, Gardianis, cum Assistentibus, et Præside aut Vice-Præside et duobus Senioribus videantur."

He provides that the forty-three scholars be chosen from Merchant Tailors' School yearly, by the Master, Wardens, and Court of Assistants, with the consent of the President (or Vice-President) and two of the senior Fellows of St. John's College, as vacancies occur.

The Scholars are to be skilled in grammar and ready to commence logic.

These provisions have been strictly complied with; (the duration of the Great Rebellion was an exception).

In a later clause the Founder, out of regard to his family (for which he quotes St. Paul, "juxta doctrinam Doctoris Gentium primò nostris domesticis providere volentes"), excepts six fellowships for his own Kin, so long as they shall be found.

But he adds, if no Founder's kin appears, then "plenus sit et perfectus Londinensium numerus," *i. e.* to 43. "Crescente numero consanguineorum minuatur numerus Londinensium," *i. e.* to 42, 41, 40, 39, 38, 37, but not lower.

This provision has been strictly observed. I am not aware of many instances in which Founder's kin have failed to appear. But I know of one which took place in 1802. A Scholar was then elected from Merchant Tailors'—we had then 38 Fellows. The next year a Founder's kin appeared, and a vacancy which would otherwise have fallen to Merchant Tailors' was given to him.

I mention these things to show that we have a contingent right to the six Founder's kin fellowships, if from any circumstance the Kin fail. The Founder has provided in his own Statutes for the filling of his endowments.

But what if no fit Scholars are to be found in Merchant Tailors' School? This circumstance has never occurred, but it is provided for by the Founder: then, for that time, the *same electors* are to look for scholars from Christ's Hospital: they do not forfeit their right, they only exercise it on a different object for that particular occasion. This is worth remarking. "Quod si in hâc Scholâ Fraternitatis totidem idonei non reperiantur, eadem evocatio, nominatio, et electio *per eosdem, coram eisdem*, fiat è Scholâ Litterariâ de Christ Church in Hospitale, &c."

But what if no fit Scholars be found in Christ's Hospital? Then Scholars are to be chosen by the *same electors* from any school whatever in London or its suburbs. "Tunc evocentur et eligantur per eosdem, ex omnibus totius Civitatis passim Ludis Litterariis"—(sc. "habiles et idonei ac Londini vel Suburbiis ejusdem in Grammaticis instructi.")

If no fit scholars be found in London, *i. e.* at Merchant Tailors' School, or in Christ's Hospital, or in any school in London and its suburbs, then scholars may be chosen from any part of England. "Scholares etiam ex omnibus totius regni Angliæ partibus sumendos volumus, si modo habiles et idonei secundum formam Statuti . . . Londini . . . non reperiantur."

I think that I have shown that Sir Thomas White intended to benefit Merchant Tailors' School by annexing to it at least 37 fellowships, and that, if his Kin should not want assistance at the University, or should fail, he intended to bestow on that school six fellowships more, in all 43.

And I think I have shown also that he has provided in his own Statutes for any temporary failure in that school, by enabling the electors to resort successively to other places, and at last to any place whatever, for Scholars.

Has he benefited the school? Its numbers, 260, always full, give a satisfactory reply. The school has no endowment, except its building, and yet it has never failed to supply Scholars. For nearly 300 years, with slight fluctuations, its number has been maintained, and this in spite of its disadvantages of position.

As to the manner in which Scholars from Merchant Tailors' School have acquitted themselves at the Universities and in the world, since its foundation, I will only refer you to our school "Fasti," of which I enclose copies for the Commissioners. I may however extract from that document a list of the scholars who have proceeded from hence to Oxford since 1840, which will speak for itself. You will see that many of them are Fellows of St. John's, and many holders of the equally *close* Exhibitions belonging to us.*

Success of Merchant Tailors' school.

Scholars at Oxford from Merchant Tailors' School since 1840.

First Class in Classics.

Easter . . .	1843.	H. L. Mansel, Fellow of St. John's.
— . . .	—	Paul Parnell, Fellow of St. John's.
Michaelmas	1844.	J. W. Slegg, Michel Scholar of Queen's.
Easter . . .	1846.	Thompson Podmore, Fellow of St. John's.
— . . .	—	J. G. Ryde, St. John's.
Michaelmas	1846.	Christopher Cookson, Fellow of St. John's.
—	1847.	Robinson Thornton, Fellow of St. John's.
Easter . . .	1848.	Edward Palin, Fellow of St. John's.

Second Class in Classics.

Easter . . .	1841.	James Bellamy, Fellow of St. John's.
Michaelmas	—	J. G. Brine, Fellow of St. John's.
—	1842.	Richard Simpson, Oriel College.
Easter . . .	1843.	L. J. Bernays, Fellow of St. John's.
— . . .	1845.	William D. West, St. John's.
— . . .	—	H. Hayman, Fellow of St. John's.
Michaelmas	1848.	Stephen Edwardes, Postmaster of Merton.
Easter . . .	1849.	Thomas Edward Kebbel, Lord Crewe's Exhibitioner of Lincoln.

* I have the less scruple in sending you this list, *first*, because the document from which it is derived is a published one, and *secondly*, because by far the greater portion of the scholars named in it were at the school under my predecessor. It is completed to June, 1851.

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First Class in Mathematics.

Easter . . .	1841.	James Bellamy, Fellow of St. John's.
— . . .	1842.	H. D. Heatley, School Exhibitioner of St. John's.
— . . .	1843.	H. L. Mansel, Fellow of St. John's.
— . . .	—	Paul Parnell, Fellow of St. John's.
— . . .	1845.	William D. West, St. John's.
Michaelmas	1848.	Stephen Edwardes, Postmaster of Merton.
Easter . . .	1851.	Thomas H. Campbell, Fellow of St. John's.

Second Class in Mathematics.

Michaelmas	1844.	G. L. Parkin, Andrews Exhibitioner of St. John's.
Easter . . .	1845.	H. Hayman, Fellow of St. John's.
Michaelmas	1847.	Robinson Thornton, Fellow of St. John's.

During the same Period.

1841.	J. W. Slegg, Trinity College	Elected Michel Scholar of Queen's College.
1842.	Edmund Markham Heale	— Bridgman's Exhibitioner of Queen's College.
—	Christopher Cookson, Third Monitor of the School .	— Probationary Fellow on the Reading Foundation, St. John's College.
1843.	Edward Graham Moon	— Demy of Magdalen College.
1844.	Edmund Markham Heale, Bridgman's Exhibitioner of Queen's College	— Boden's University Sanscrit Scholar.
—	Stephen Edwardes, Head Monitor of the School .	— Postmaster of Merton College.
1845.	Robinson Thornton, Probationary Fellow of St. John's College	— Junior University Mathematical Scholar.
1846.	W. J. M. Ellison, Wadham	— Hebrew Exhibitioner of Wadham College.
1847.	Thomas Edward Kebbel, Exeter College . . .	— Lord Crewe's Exhibitioner at Lincoln College.
1848.	Thomas Hewitt Campbell, Probationary Fellow of St. John's	— Junior University Mathematical Scholar.
—	Henry H. Crucknell, Fifth Monitor of the School .	— Scholar of Oriel College.
1849.	Stephen Edwardes, Postmaster of Merton . .	— Ellerton's Theological Prize Essay.
—	William Wright, Andrews Exhibitioner of St. John's and Montefiore Hebrew Medallist of the School	— Pusey and Ellerton Hebrew Scholar.
1850.	Stephen Edwardes, of Merton	— Fellow of Merton College.
—	William Henry Hart, Andrews Exhibitioner of St. John's	— Blount Scholar of Trinity College.
—	Charles Montague Style, Probationary Fellow of St. John's and Montefiore Hebrew Medallist of the School	— Pusey and Ellerton Hebrew Scholar.
—	William Henry Hart, Andrews Exhibitioner of St. John's	— Demy of Magdalen College.
—	Edward Harrison, Fourth Monitor of the School .	— Scholar of Oriel College.
—	Charles Alfred Cookson, Oriel College . . .	— Dean Ireland's Exhibitioner of Oriel College.
—	Edward Hill, Third Monitor of the School . .	— Scholar of Pembroke College.
1851.	John B. Behrends, Probationary Fellow of St. John's	— Junior University Mathematical Scholar.
—	William Wright, Andrews Exhibitioner of St. John's	— Kennicott Hebrew Scholar.
—	Charles Matheson, Probationary Fellow of St. John's and Montefiore Hebrew Medallist of the School	— Pusey and Ellerton Hebrew Scholar.

I observe that the Commissioners inquire whether the preferments attached to the school are disposed of according to merit. I reply, that the Exhibitioners and Scholars are taken from the boys in the highest form of the school; that this rank is only attained after successive examinations; and that the utmost pains are taken, after it is attained, to keep up their standard of proficiency. Fellows are under a probation of three years after they reach St. John's (during this time they are called Probationary Fellows or Scholars). At the expiration of this time they may be rejected by the President and Fellows, without appeal, for lack of learning or for bad conduct.

I postponed my answer to Question 5 (latter part)—"Would the University or the College be benefited, in your opinion, by the general enforcement of residence?"—because (as I observed) I conceived that such a question, if fairly put, would embrace the words "or school."

I suspect that in the present day the effect of enforcing residence would be to cause a much quicker succession of Fellows. The Fellowships are so much poorer in point of value than they are supposed to be, that I think many persons would resign them after a few years in order to make their way in life, instead of staying on a small income in College. Thus the school would of course be benefited. I should however be inclined to rest the answer to this question rather on the intention of the Founder, if it can be ascertained, than on any views of possible expediency. For the same reason I should decline speculating on the comparative advantages of Fellowships for a certain term of years and Fellowships for life. The Founder evidently contemplated the latter, as his frequently recurring phrase, "verum et in perpetuum socium," abundantly testifies.

I notice a few more of the Commissioners' inquiries.

Question 17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

Higher Degrees.

The Fellows are required to proceed to higher degrees, under penalty at first of diminished emoluments, and ultimately, after a certain time, of forfeiture of their Fellowships.

The 12 Law Fellows must proceed to D.C.L. (they may remain laymen or take orders at their option). One of these however may proceed in Medicine.

The 40 remaining Fellows must proceed, through Arts, to B.D. certainly. They may proceed to D.D. if they please, and must do so if they are called upon by the President and 10 Seniors.

Question 19. Do your Statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your Statutes on which such permission or prohibition rests?

Question 20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your Statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

These two Questions I leave to be answered more correctly than I can answer them by the present holders of Fellowships and Authorities of the College.

Question 21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

I conceive that the Head of the College is required to enter into Holy Orders—*first*, because the Statutes enjoin that he should officiate in the Chapel on certain days; *secondly*, because Francis Levinz, who was elected President in 1673, and was then Doctor in Medicine, entered into Holy Orders either immediately before or immediately after his election, and became Canon of Wells.

The remainder of this Question I entered upon in my remarks on Question 17. I have only to add that I conceive that the permission to enter into Holy Orders, enjoyed by the Law Fellows, rests upon two grounds—*first*, on a phrase in the Statutes to this effect, "ne quisquam invitus a Studio Theologiæ avocetur;" *secondly*, on the old practice which made even practitioners in Doctors' Commons "Clerici."

Question 22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

Evil of admission of Undergraduates to Fellowships.

I think the admission of Undergraduates to Fellowships productive necessarily of no inconvenience, especially now that University examinations are multiplied. As I have said already, the College can refuse to admit a Probationer to his full Fellowship.

Question 23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

Needs no reply in the case of St. John's College.

Question 24. Are Fellows or other members on your Foundation allowed by Statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

Ecclesiastical preferment.

Fellows are not allowed to hold ecclesiastical preferment above the value of 10*l.* in Libris Regiis; but this amount is not the only disqualification for a Fellowship. I cannot mention any exact sum, but I never heard of a Fellowship being tenable with Ecclesiastical preferment above the actual value of 200*l.* per annum.

Question 25. What statutable restrictions limit the selection of your Head?

Election of the Head.

I believe that the Head of the College must be not under thirty years of age: but see also my answer to Question 21.

Question 26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

Benefices.

I cannot say how many Benefices have been added to the patronage of the Society since the original Foundation. There may be several funds for augmenting or improving the patronage of the College, but I know of two only—*the Winterslow Fund*, bequeathed by Charles Woodroffe, D.C.L., who died in 1726, "for increasing the number or value of the Livings in the Gift of the College;" and *the Whitfield Fund*, bequeathed by Thomas Whitfield, B.D., who died in 1832, "primarily for another purpose, but contingently for purposes similar to those intended by the Winterslow Fund."

Question 27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the Statutes allow any special liberty of choice in the Fellowships so connected?

I am unable to answer.

Question 28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

Schools.

The College has no nomination, so far as I am aware, to the Mastership of any Schools. The President is, ex-officio, one of the Visitors of Reading School; and the President and two of the senior Fellows are present at the Examination (which indeed they conduct) of candidates for Scholarships, and certain Exhibitions from Merchant

St. John's College. Tailors' School; and no election is confirmed without their "assent and consent;" but they exercise no further control over Merchant Taylors' School.

Rev. J. A. Hessey, D.C.L.

Question 29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or Ordinances?

I have answered, as far as I am able, already.

Questions 30—47 may so obviously be answered with greater propriety by the resident Members of the College than by one who has now ceased to reside for nearly six years, that I purposely forbear to reply to them.

Pray make my respects to the Commissioners, and, with kind regards to yourself,

Believe me,
My dear Stanley,
Yours very truly,
J. A. HESSEY.

To the Rev. A. P. Stanley, M.A.,
Secretary to the Oxford University Commission.

W. A. Rew, Esq., D.C.L.

Answers from W. A. Rew, Esq., D.C.L., Fellow of St. John's College, Oxford.

Sir, 3, *Tanfield Court, Temple, Feb.* 24, 1851.

I beg to acknowledge the receipt of your letter of December last, asking, on behalf of Her Majesty's Commissioners for the University of Oxford, for such information as I might be disposed to furnish on the heads of inquiry contained in a series of questions thereto subjoined. I am quite disposed to furnish Her Majesty's Commissioners with any information on the subject within my knowledge, but I by no means possess such familiarity with the College Statutes as to enable me to speak with confidence on many of the points in question; and the copious extracts required from the Statutes will come more properly from those who have the custody of them. As however I gather from your letter that the Questions are to be regarded, not so much in the light of interrogatories requiring specific answers, as a suggestion of subjects on which information will be acceptable, being principally College Statutes, residence, mode of electing Fellows, with their obligations as to graduating and taking orders, and their disqualification, I send you a short statement on these points, with such observations on them as the Questions invite. This applies to the first part of the Questions. Those below the line, for the most part, enter so minutely into the detail of College management, that I feel I should be doing no service by the imperfect answers which I could give, especially when there is no reason to doubt that Her Majesty's Commissioners may obtain the fullest information on these subjects from the most authentic sources. The only point suggested by the latter Questions which I have noticed is that of College expenses; as to which I cannot withhold my testimony that they are not the kind of expenses which give rise to the complaints made against the Universities for extravagance.

I am, Sir,
Your obedient servant,
The Rev. A. P. Stanley. Wm. A. REW.

Statutes. St. John's College possesses Statutes given by the Founder, but I do not conceive the government of the College, even in theory, to rest exclusively on the Statutes. Other regulations exist, not apparently warranted by the Statutes, but sanctioned by long usage, and in some cases by the authority of the Visitor. The President and senior Fellows have also the power of making regulations, not opposed to the Statutes, for the government of the College.

Residence of Fellows. With respect to residence, the Statutes certainly contemplate it in the case of all the Fellows, though they empower the President and certain officers to give leave of absence for a certain time, for sufficient cause: but this is not the practice. I have never known residence enforced upon any Fellows above the degree of B.A.; and in 1830, or thereabouts, the inexpediency of compelling Bachelors to reside was so strongly felt, that, on a representation of the matter to the Visitor, the non-residence of Bachelors was allowed.

There are usually, in addition to Undergraduates, not fewer than twelve graduate Fellows in residence, either holding some college office, or engaged in private tuition, or in the discharge of some clerical duties.

To enforce residence generally would in my opinion not be conducive to the benefit either of the College or the University.

The College would in such case be less capable of receiving independent members, as many of the rooms now occupied by them would be taken up by the Fellows brought into residence; and the University would gain little by having within its walls men without any settled occupation, who would otherwise have been usefully devoting their energies to professional duties in those places where they were likely to turn to the best account.

Commoners. The residence of Undergraduates, not on the Foundation, appears to have been contemplated by the Statutes, which confine the number to twelve, or at the outside sixteen, who it seems were to be allowed to share the accommodation of the Fellows. A comparison of

ST. JOHN'S COLLEGE.

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the number of Fellows with the number of sets of rooms in the College, before the addition by Archbishop Laud, as well as some of the arrangements for sleeping contained in the Statutes, will show that, at the time the Statutes were framed, the Fellows themselves could only be accommodated by resorting to similar means.

A second quadrangle was built by Laud, which, besides the two libraries, contains several sets of rooms appropriated exclusively to members not on the Foundation. The rooms of the Fellows by additions and divisions have been of late years considerably increased in number, and such of them as are not occupied by the resident members of the Foundation are allotted to independent members.

Restrictions on Fellowships

As relates to Fellowships, there are at St. John's fifty Fellows and Scholars,—the Scholars being probationary Fellows. Of these fifty, six are Founders' Kin, thirty-seven are elected from Merchant Taylors' School, two from the schools respectively at Coventry, Bristol, and Reading, and one from the school at Tunbridge.

The Founders' Kin on their election are actual Fellows; the others are Scholars or probationary Fellows for the space of three years, at the end of which time, if the President and the ten senior Fellows are satisfied with them, they are admitted actual Fellows; if their conduct and proficiency are not deemed satisfactory, they are rejected; such rejections, though rare, have occasionally taken place. Two instances, on the ground of deficiency in scholarship, have occurred within the last fifteen years.

to Founder's kin;

The Founders' Kin candidates are generally more numerous than the vacancies: they undergo an examination, which of late years, I believe, has determined their election.

to Merchant Tailor's school;

The scholars from Merchant Tailors' are elected by the court of the Merchant Tailors' Company, with the "assent and consent" of the President, and two of the Fellows of St. John's, who are annually chosen to proceed to London to assist in determining the election.

The head boys of the school are always chosen; the President and two Fellows having satisfied themselves of their fitness, so that no question on this point can well arise on their presenting themselves for admission. If, however, any doubt upon this or any other point should occur in the interval between the School election day and the College election day, the College is at liberty to examine again, and if it sees fit to reject the candidate.

It is to be borne in mind that there is in this school no foundation or favoured class; the advantages of the school being equally open to all (about 250) who enter below a certain form. Competition now continues as high as the 16 head boys.

to other schools.

The Scholars sent from the other schools are chosen in the first instance by the municipal authorities of the respective towns; except in the case of Tunbridge, where, there being no Corporation, the vicar and principal inhabitants appoint. The scholars so chosen are examined at the College, and if found fit are admitted; if they are not fit, the College (*i. e.* the President and ten senior Fellows) elect some one else to the vacant scholarship without any restriction.

Occurrences of this kind are not frequent; one however occurred within the last eight years, on which occasion the different candidates were examined, and the election was determined entirely by merit. And I may add that the successful candidate afterwards obtained the highest classical honours.

Exhibitions.

Besides the Fellowships there are 8 Exhibitions (not reckoning a few inconsiderable ones) connected with Merchant Tailors', which must be held by independent members of St. John's, viz. six Dr. Andrews Civil Law Scholarships of 58*l.* a year each for 12 years, provided the student continues in residence and does not take orders, and one Dr. Stewart's Exhibition of 50*l.* a year for 8 years, provided the student continues in residence. These seven are in the gift of the Court of the Merchant Tailors' Company, "with the assent and consent" of the President and two senior Fellows. The eighth, called the School Exhibition, of about 50*l.* a year for five years, is in the gift of the President of St. John's and the Master of the school. All eight are given to those boys who are superannuated for Scholarships.

To be eligible for a Scholarship the candidate must be between the ages of 14 and 19.

It will be seen from what I have stated that none of the Fellowships, Scholarships, or Exhibitions are open.

Causes of restrictions.

The only reasons of which I am aware for the Fellowships and Scholarships being so confined are those given by the Founder in the Statute by which the elections are regulated: viz. his own connexion with London, where he had been himself educated, and had acquired his property, and especial affection for the Merchant Tailors, of whom he was one. In pursuance of this feeling the Statute provides that if there are not a sufficient number at Merchant Tailors' School fit to be elected, the deficiency is to be made up from Christ's Hospital, and, failing this, from other London schools.

The Founder also assigns as a reason for the Tunbridge Fellowship his love for the Founder of the school at that place, Sir Andrew Judde.

Effects of restrictions.

I consider that the restrictions which I have mentioned are eminently "beneficial to the promotion of learning" at Merchant Tailors' School; and indeed that a general classical character is thereby given to that school which it most probably would not otherwise possess.

The Fellowships connected with Merchant Tailors' fully carry out the intention of the Founder, in affording, so far as the means extend, to the inhabitants of London and its suburbs (the expression used in the Statutes), not only the advantages of an University education, which would otherwise in many instances have been beyond their reach, but also the means of following out a profession, for which such advantages shall have fitted them.

As the vacancies to be filled up from the school average yearly from two to three, there is a constant supply of candidates qualifying themselves by the pursuit of classical (and of late years mathematical) studies; whilst the Exhibitions, besides affording some consolation

St. John's College.

W. A. Rew, Esq., D.C.L.

to those who are not fortunate enough to obtain an election, offer no inconsiderable attraction to those who from other circumstances, and independently of the prospect of a Fellowship at St. John's, are seeking to make their way to the University.

I should add that the possession by the Merchant Tailors of the right of presenting to several Exhibitions at Pembroke Hall, Cambridge, operates in furtherance of the same object.

Whether the other schools are acted on in an equally favourable way by their connexion with St. John's is not so clear. There certainly is not the same reason for expecting a similar result, inasmuch as the vacancies occur too rarely to create a regular supply of qualified candidates, unless the particular school possesses other attractions; nor am I sufficiently acquainted with the mode in which the Scholars are elected, to know whether in each case the school has the full benefit of the Scholarship as a prize for excellence, or whether the patronage is bestowed according to the personal interest of the candidate. During the time I was resident at Oxford, Reading and Tunbridge could each boast a Fellow of whom the College had good reasons to be proud, but these instances will hardly warrant a general conclusion as to the superiority of the schools, or that their character is attributable to their connexion with St. John's.

With respect to the Founders' Kin Fellows, I think it very questionable whether the restrictions in their favour materially promote "education or learning" amongst the favoured families. The prospect of a Founders' Kin Fellowship will probably stimulate the industry of some lad who is intended for the University, and cause him to come somewhat better prepared; but the vacancies are not sufficiently frequent or regular, the candidates are not sufficiently numerous, or the competition sufficiently certain, to establish a high standard of qualification.

With the effect on the College itself of these restrictions in the election of Fellows there is no reason, when it is taken as a whole, to be dissatisfied, at least if the University honours are to be regarded as a test. I have not myself gone into the calculation, but I have been accustomed to consider, and I believe correctly, that St. John's obtains its full proportion of academical honours; for which it is indebted principally, though certainly not exclusively, to its members on the Foundation and from Merchant Tailors' School.

I must not however be supposed to imply that the restrictions in question are susceptible of no alteration for the better; or that it would not be decidedly advantageous to the College, if practicable, to have some open Fellowships, as an inducement to persons likely to gain them by their superior talents, to become independent members.

Admission of Undergraduates to Fellowships.

I am not aware, as things now are, of any serious practical inconvenience from the admission of Undergraduates to Fellowships; but it would, in my opinion, be beneficial for all concerned, if the Scholars were not made actual Fellows till after the time for taking their degree, or passing their examination; if a higher standard of qualification than that required for a common degree were to be established; and if consequently the admission of Scholars to be actual Fellows were treated even less as a matter of course than it is at present.

Increase or diminution of Fellowships.

Our Statutes do not (that I am aware of) require the number of Fellowships to be increased or diminished as the revenues of the College vary. There are indeed provisions to meet a falling off of revenue, by diminishing throughout the receipts of the Fellows; and the extreme case is contemplated of a deficiency after this reduction has been carried to the utmost; in which case, the number of chapel officers having been first reduced, a further reduction, if necessary, is to extend to the Scholars and Fellows, beginning with the junior, and proceeding upwards. As the revenues recover themselves, things are to be reinstated, beginning with that which was last displaced, and so proceeding in an order the inverse of that adopted in making the reduction. But this seems merely a precaution against a temporary extremity, and nothing like a systematic variation of the number of Fellowships in proportion to the revenues. In confirmation of this view I should mention that there is a clause in the Fellows' oath directed against any change, at least in the way of diminution of the prescribed number of the College. And in further confirmation I may state that there is a provision for adding to the number of Fellowships when the means may have been supplied by a particular fund, viz. one arising out of payments to be made on promotion. These payments have been discontinued, on the ground (as I have understood) that they might be considered simoniacal. The revenues however of such Supernumerary Foundation, if formed, were to be kept entirely distinct from the general College revenues applicable to the original fifty; thus showing that any increase or diminution in these latter revenues was not intended to affect the number of Fellowships.

Higher Degrees.

Of the fifty Fellows, thirty-eight graduate in Arts, and subsequently proceed in Divinity; the other twelve proceed in Law. One of the fifty however has the option of graduating in Medicine, instead of Divinity or Law. It is not usual for the Fellows graduating in Divinity to proceed beyond the B.D. degree; but the Fellows on the Law line proceed to that of Doctor.

Clerical restrictions.

All the Fellows except those graduating in Law or Medicine are required to enter Holy Orders. The Founder appears to have contemplated that all the Fellows (except perhaps the one practising Medicine) should take Orders, as the time for Graduates in Arts taking Orders is fixed by Statute, and the Statutes direct that all Jurists take their University degrees and Holy Orders according to the time and custom of New College. How long the taking Orders was deemed compulsory on the Law Fellows of either College I cannot say. At St. John's we know of no instance, either traditionary or recorded, of any Law Fellows being obliged to take Orders, but they always have the option of so doing. Of late years, in appointing to the Law Fellowships, regard has been paid to the professional views of the candidates, preferring those who *bonâ fide* intend going to the Bar.

According to the Statutes, real property of the yearly value of 10*l.*, or a pension for life to that amount, or an Ecclesiastical Benefice of like value, vacates a Fellowship. In the case of a Benefice, the 10*l.* has, I believe, been held by the Visitor to mean 10*l.* in the King's Books. St. John's College. *W. A. Rew, Esq., D.C.L.*

I know of no authoritative construction having been put upon the value of 10*l.* (valorem decem librarum) as regards other property, but I understand it to be construed in a similar spirit, having regard to the change of value in money. Property disqualification.

To enforce the Statute literally, treating the amount as 10*l.* sterling of the present current coin, would be little else than absurd, to say nothing of the injustice of so doing towards any who might happen to fall within its operation. And I should attach no great importance to enforcing it, even when fairly interpreted, in a College like ours, where the Fellowships are avowedly not intended for, or given to, men of fortune. A Fellow who has the good luck to come into an independent property is most likely to make a vacancy before long by marrying; and without anything like a demand for the Statutes being regarded, I can call to mind three instances in my own time of Fellows having spontaneously resigned in consequence of their private property.

With respect to College expenses, my impression is that they cannot be materially diminished. I am speaking of expenses incurred with the College, as, for rent, tuition, eating, drinking, washing, &c.; and not of all the various expenses into which young men at College frequently run. These form an entirely different subject for consideration. At the time I was in residence I considered that some trifling reductions might be made in certain charges, but they were not such as to make any material diminution at the end of the year. Since the time I am alluding to, the matter has been fully investigated, and such reductions have been made as were considered practicable. Moreover every person in residence has now for some years been furnished with a weekly account of his expenses; and is thus enabled to check any overcharge in his Battels, or to correct at once any extravagance which he may inadvertently have committed. But even before these salutary measures were adopted, amidst the various complaints of exorbitant charges which have reached me, I never knew any person, who was steadily endeavouring to live economically, seriously complain of the amount which he had to pay the Bursar. College expenses.

W. A. R.

Answers to Letter III. from the Rev. W. W. Stoddart, B.D., Fellow and Tutor of St. John's College, Oxford.* *Rev. W. W. Stoddart, B.D.*

My Lord and Gentlemen,

I beg now to forward to you answers to all such questions contained in your Circular of 6th December last as I feel myself at liberty to reply to. I am sorry in any case to withold information, satisfied as I am that the fullest that I could give would be most for the credit of my own Foundation. A sense of duty, however, prevents me from touching upon any of those points which directly refer to our Statutes; but I have endeavoured to give you as concisely as possible every information upon the Educational Questions.

Question 30. Are Gentleman-Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari?* To what charges are they liable, beyond those borne by other independent members?

Question 30.—We have no Gentleman-Commoners now; when we had, their Matriculations and other Studies differed in no respect from those of all other Commoners. They paid double fees; and they enjoyed some few privileges of their table, &c. Gentleman-Commoners.

Question 31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of assistance so received?

Question 31.—There are certain Exhibitions for superannuated members of Merchant Tailors' School. These are explained in the Oxford University Calendar. Exhibitions.

Question 32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible Clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of Scholars?

Question 32.—We have one Bible Clerk. Formerly there were two, but the stipend was so small that it has lately been determined upon to unite the two together, that, as the Election is perfectly open, a greater inducement may be held out for men of talent to offer themselves as Candidates. He wears the same gown as other Members upon the Foundation, and is in all respects upon a footing with them, except that he has to keep the Chapel Roll. Bible Clerk.

Question 33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

Question 34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

Question 35. Is each Tutor expected to lecture on all subjects? or is there a division of subjects?

☞ *Questions* 33, 34, 35.—There are three Tutors, who arrange amongst themselves what subjects they shall respectively lecture upon, and put out the result in their Terminal Lecture lists. They are all Members of the Foundation, and reside within the walls. Besides these, the President always takes an active part in the Terminal Collections, and other College Examinations. There are, besides, Lectures in Logic, and Natural Tutors.

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* For Mr. Stoddart's general Evidence, see Part I., p. 229.

St. John's College.

Rev. W. W. Stoddart, B.D.

Philosophy, and a Catechetical Lecturer. The two former of these offices are not usually held by a Tutor.

Question 36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

Lectures.

Question 36.—Our Lectures continue throughout full Term, never less than eight weeks. Between 40 and 50 Lectures are given weekly, embracing Divinity (7 or 8), Science (about the same), Mathematics and Algebra (the same), and the Greek and Latin Classics. Under the new Statute it will be necessary to add to our subjects, for which we are engaged in making preparations. The number of Pupils who study the higher Mathematics is small; but I may mention, that since the Institution of the Junior Mathematical Scholarships in 1845, three of them have been gained by Members of our Foundation.

Question 37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise.

Professor's Lectures.

Question 37.—Hitherto attendance upon Professors' Lectures has been left to the voluntary choice of the Undergraduates.

Question 38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

Private Tutors.

Question 38.—At this moment I believe four Members of our Foundation, and one former Bible Clerk, are engaged in private tuition.

Question 39. Can you state how many Undergraduate Members of your Society are now reading with private Tutors?

Question 39.—Probably a third of those who intend to attempt no more than a Common Degree, and nearly all those who are reading for Honours—together more than half the Undergraduates at one period or another read with private Tutors.

Question 40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

Attendance at Chapel.

Question 40.—Daily attendance at least once. On Sundays twice; and this is pretty strictly enforced. Attendance is sometimes, but rarely, enforced as a punishment for the neglect of the above rule.

Question 41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

Religious instruction.

Question 41. The Tutor's Lectures I have already referred to. The Catechetical Lecturer delivers a course of Sermons every year; and, at the Collections, Divinity is an indispensable item of Examination. The Tutor has occasionally given voluntary religious instruction at other than his Lecture hours, but this has not been a regular practice.

Question 42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

Question 42.—The highest Battels of any Commoner last year were 92*l.* 18*s.* 6*d.*, the lowest 50*l.* 13*s.* The following table will show the average in each quarter:—

	Highest.			Lowest.			Average.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
1st Quarter . .	29	17	6	13	7	0	21	12	9
2nd Quarter . .	32	8	6	12	14	0	22	1	3
3rd Quarter . .	31	4	6	13	1	6	22	3	0

4th Quarter, Long Vacation, and therefore the same to all.

The number of men who exceeded or fell short of the average was in the

	Excess.	Defect.
1st Quarter . . .	10	29
2nd Quarter . . .	10	25
3rd Quarter . . .	21	20

Question 44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

Question 44.—I could scarcely give an answer to this Question which could safely be relied upon, as my means of judging have been imperfect. I have sometimes heard sums stated as those within which an Undergraduate has limited his expenses; but I have never tested the accuracy of such assertions by looking over his accounts, and the little that I have seen of such things persuades me that few young men keep them strictly enough to allow one to build much on their basis.

Question 45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

Question 45.—I have not confidence enough in any of the several plans which have been tried in turn to recommend any of them. I fear it will be long before a satisfactory solution of this question will be found.

Question 46. Is the College Library open to all members of the College, and what fees are paid to the library by each member?

Question 46.—Within certain restrictions, every member of the College may avail himself of the College Library, to which all pay a trifling fee at Matriculation.

Question 47. What number of Undergraduates is your College capable of accommodating?

Question 47.—About 50.

I have the honour to be,
My Lord and Gentlemen,
Your obedient servant,
WM. WELLWOOD STODDART,
Senior Tutor.

ST. JOHN'S COLLEGE.

Rev. W. W. Stoddart, B.D.

Mr. _____ BATTELS _____ Week ending _____ Quarter, 185___.

—	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday	Thursday.	£.	s.	d.
Bread, butter, cheese, toast, muffins, and coffee	..	..	..	..	..	..	..	0	7	0
Beer, porter, &c.	..	..	..	..	..	..	..	0	2	0
Meat, poultry, fish, soup, sauce, and vegetables	..	..	..	..	..	..	..	0	16	6
Pastry, jellies, pickles, and eggs										
Milk, cream, gruel, and whey										
Hire of Sheets, table-cloths, towels, and oyster cloths										
Coquus for plates, dishes, &c., for ext. dinners and breakfasts	..	..	..	..	..	..	..	0	6	0
Coquus for fast-night suppers, brawn, &c.										
Knives	..	..	..	..	..	..	..	0	1	0
Candles	..	..	..	..	..	..	..		..	
Letters	..	..	..	..	..	..	..	0	0	3½
Janitor	..	..	..	..	..	..	..	0	0	2
Butler, servitors, bedmaker, waterplates, and silver forks	..	..	..	..	..	..	..	0	1	2
Famulantibus	..	..	..	..	..	..	..	0	0	3¾
Total amount of Battels for the week	..	..	..	..	..	..	..	1	14	5¼

Quarterly Payments.

	£.	s.	d.		£.	s.	d.
University dues	0	5	1	Waiters in Hall Chapel	0	2	6
College dues	0	3	6	Common room lamps	0	3	6
Tonsor	0	0	0	Messenger	0	3	6
Laundress	1	11	0	Chimney sweep	0	1	6
Shoe cleaning	0	6	0				
Fueler's roll	0	2	6	Total amount of Battels for the week	4	0	1
Bedmaker	1	1	0				

Answers from the Rev. H. L. Mansel, M.A., Fellow, Tutor, and Dean of Arts, of St. John's College.*

Rev. H. L. Mansel, M.A.

I must now turn to your second paper, bearing date December 6. This paper differs from the former, in relating entirely to questions of fact concerning the regulations and practice of the several Colleges. Many of these I must leave unanswered, not from any personal desire to withhold information, but because I consider that such questions can be properly answered only by the College officer to whose department they belong. In an inquiry of such importance, no private person is justified in communicating mere hearsay evidence, or matters which, as residing on the spot, he may happen to know, but which do not come officially before him.

Upon this principle I think it my duty to answer, firstly, that the President and ten Senior Fellows are the persons officially entrusted with the custody of the College Statutes, and are consequently the only persons authorized to reply to questions concerning the contents of the Statutes and their observance. This disposes, as far as I am concerned, of the first portion of Questions down to the 29th.

Secondly, that all financial questions belong to the department of the Bursar, and can only be satisfactorily answered from his books. To all questions, therefore, relating to Battels and other College expenses, I must content myself with referring you to that officer.

There remain only the questions relating to lectures or attendance at chapel, which come within my department as Tutor or as Dean. The theological and mathematical lectures have been undertaken by my colleagues in the Tutorship, and I have therefore no official information to furnish respecting them. During the last term, in which alone I have held office as College Tutor, I have given lectures during three hours each day (Thursday excepted) in Aristotle's Ethics, Butler's Analogy, Thucydides, Sophocles, Aristophanes, and Latin composition.

During the short time I have been Tutor, I have not had occasion officially to recommend any member of the College to read with a Private Tutor, though I believe such recommendation to be in certain cases necessary and desirable. I was myself engaged actively in private tuition, before my appointment as College Tutor, and am now gradually relinquishing practice in that department. Other members of the College are, I believe, engaged in tuition both as Teachers and as Pupils, but I have no official information to what extent.

With regard to Professors' Lectures, I have on several occasions recommended Pupils of my own to attend certain courses, but I am not aware of any case in which attendance has been enforced by the College.

The attendance at Chapel usually required is six times in the course of the week, and twice on Sundays. It is usual for the Deans to visit negligence in this respect by impositions, with a certain discretionary power of modifying the punishment as may seem expedient in particular cases. I am not aware of any instance in which attendance at Chapel has been enforced as a punishment. The above are, I believe, the only points which come within my province as an officer of the College. I limit my reply to these alone, from the conviction that such Questions can only be properly answered from official sources.

H. L. MANSEL, M.A.

* For Mr. Mansel's general Evidence, see Evidence, Part I., p. 19.

Jesus College.

JESUS COLLEGE.

Rev. C. W. Heaton, M.A., Vice-Principal of Jesus College.

To Letter II. of Her Majesty's Commissioners the following Answer was received:—

Rev. Sir, *Jesus College, Oxford, November* 30. 1850.

I am requested to acknowledge, on the part of the Principal and Fellows of Jesus College, the receipt of a communication from the Oxford University Commission, dated 28th November 1850.

I have the honour to remain,
Your obedient Servant,
C. W. HEATON,
Vice-Principal of Jesus College.

The Rev. A. P. Stanley, &c. &c. &c.

Rev. E. S. Foulkes, B.D.

Answers to Letter III. from the Rev. E. S. Foulkes, B.D., Fellow and Tutor of Jesus College, Oxford.*

1. Is your Society governed by Statutes? If not, are there any orders or rules by which it is governed?

Statutes.

1. The Society to which I have the honour to belong has its own Statutes, but can only be said to be governed by them so far as they are in force; *i.e.*, so far as the governing body, the Principal and Fellows for the time being, think fit. An obsolete Statute is sometimes revived, and a revived one disused again, according to the judgment of those who from time to time constitute the governing body. Further Decrees of the Visitor, who in the absence of Lord Pembroke is the Lord Chancellor, and even Royal Letters Patent, have been occasionally admitted in a way to supersede the Statutes themselves.

2. If the Society is governed by Statutes, were those Statutes given by the Founder? Are the original Statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

2. Our Statutes were drawn up by *Royal Commissioners*, in the Principalship of Sir Eubule Thelwall, 1621-30; "Ad *condenda* et *sancienda* Statuta Collegii Jesu, Oxon, deputati," as it is said. There had never been any Statutes previously. The letters patent of King James II. exempt the Fellows of the foundation of Sir L. Jenkins from obligation to these very Statutes.

3. Is there any provision in your present Statutes for their alteration or amendment; or was there, in your original Statutes, any such provision?

Alteration of Statutes.

3. There is no provision in our Statutes for their alteration or amendment. The Principal and Fellows swear respectively that they will never obtain any dispensation against the oaths which they are required to take upon admission, and the Principal is obliged to add, "against the Ordinances and Statutes of the said College;" while the Fellows are required to say, "et si aliquam dispensationem hujusmodi impetrari, vel gratis offerri seu concedi mihi contigerit, cujuscunque fuerit auctoritatis, vel sub quacunque formâ verborum concessa fuerit, ipsâ non uter quovis modo, sicut Deus me adjuvet, et hæc Sancta Dei Evangelia." Consequently, none of the Fellows who have been selected under the present Statutes could conscientiously retain their Fellowships, unless extraordinarily re-elected to them, were any change to be made in our present Statutes. The power of the Visitor is confined to the doubtful parts of the Statutes, where his "interpretations," "declarations," and "expositions," have the same force as the Statutes themselves. Yet it is evident that this power was never intended to dispense with Statutes, but, on the contrary, to make them more binding.

4. Will you state in what respects, if any, your Statutes have ceased to be observed, whether owing to lapse of time or other causes?

Non-observance of Statutes.

4. Our Statutes were framed with reference to the system of the University then existing, and the customs of other Colleges. Hence the observance of them has been a good deal affected by the changes which have taken place elsewhere. Thus the form of exercises prescribed in Tit. 15 has necessarily grown obsolete, and with it rendered useless the offices of Prælector Dialecticæ and Censor Philosophiæ, as contemplated in the Statutes. These two offices have, therefore, been thrown into one, and form the present Deanship, to which are attached all the duties of the two former offices which could be consistently performed under our present University system. The reading of the Bible in hall during dinner is another custom that has been disused, though enjoined in the Statutes, doubtless because not kept up elsewhere. The admission of "Batellers" has ceased for the same reason, though equally contemplated; the proceeding to the degree of D.D., the unanimity of members of the College in the election of University officers, the prohibition which forbids strangers to be lodged within the College walls, are other instances which I would class under the head of particulars prescribed by the Statutes, but disused gradually in conformity with surrounding practice. The number of menials has likewise increased, partly for the same reasons, and partly because, conformably with the spirit of the age, our Servitors have been gradually exempted from the more servile duties to which they were once obliged. Then the value of money has affected our Statutes in more than one place, *e.g.*, in the pay of the several College Officers, and in the amount of property laid down to be incompatible with the tenure of a Fellowship or Scholarship. In the latter case the Visitor has decreed an interpretation more in harmony with the present value of money; and in the other case, a proportionable increase to their salaries has been voted by the governing body. I would refer to another class, the following: in which the governing body for the time being would seem more responsible for the changes which have taken place contrary to the Statutes. The marriage of the Principal, the disuse of the College prayers, the non-residence of the Principal, Fellows, and Scholars, to the extent now permitted, and the non-reading of the Statutes in the presence of the whole College assembled,

* For Mr. Foulkes' general Evidence, see Part I., p. 222.

JESUS COLLEGE.

Rev. E. S. Foulkes, B.D.

whether foundationers or non-foundationers, once a-year. I do not, of course, mean to say that these departures from the Statutes have not been made, to a certain extent, with reference to surrounding practice.

5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

Residence of Fellows.

5. Of our Fellows, two on the foundation of Sir L. Jenkins are obliged to be non-resident, and preaching the Gospel in the colonies, though they are ordered to be considered as resident while so engaged. Of the remaining 17 there are only eight now resident, and seldom more, the others holding curacies or tutorships in the country. According to the Statutes the Principal is allowed to be away never more than a month in full Term (except on College business), unless with the express leave of a majority of the Fellows then in the University, but he may be away two or three months in the long vacation; Fellows never more than a fortnight in full Term, except with express leave of the Principal and Fellows, or a majority of them, and 40 days in the long vacation, yet never more than 60 days continuously or non-continuously, without the foregoing express leave. Leave is now little more than a mere form, and absence may be had, if required, for life. With respect to the practice, I think there can be no greater abuse or violation of Statutes than the case of non-resident Fellows and Scholars (for Scholars are included in the Statute limiting the absence of Principal and Fellows, as appears from the preamble), and it is aggravated where Probationary Fellows are allowed to be away from College. Not that I think, however, that elected as ours are to close Foundations, and living under our present system, it would be desirable that all should reside. But there is a Statute (Tit. 31), "*De numero Sociarum, si necesse, fuerit, diminuendo*," which I do not think might be unreasonably acted upon, though in a different sense to the one there contemplated; and the number of Fellows might be reduced to that required for the conduct of the College under the new system contemplated in my first Paper of Answers, and the Halls attached to it; and the surplus funds might either be devoted to the pay of the Tutors and Professors (in which case Students would be saved the present impost), or they might be laid out upon Exhibitions for the support of Students for the first degree, and no longer. In the same way non-resident Scholars might be got rid of by making superannuation depend upon standing in the University, say 20 Terms, and not upon age.

6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

Marriage of the Head, the Fellows, the Coquus, Promus, and Janitor.

6. Our Principal upon admission is made to swear in the latter part of his oath that he will obtain no dispensation against his foregoing oaths and against the Ordinances and Statutes of the said College; and *then* he swears that he has never been married and never will marry while Principal. It is the position of this oath, doubtless, that gave colour to the idea that it was intended to be left open to future dispensation, and accordingly, upon the election of Dr. Hoare to the headship, the Visitor, Lord Pembroke, decreed that it might be omitted at his admission and that of all future Principals. As far as the oath and qualifications to a Fellowship go, there would seem nothing in the letter to hinder the election of a married man or widower, though marriage after the election is one of the causes of removal from a Fellowship; and the same remark applies to Scholarships. Of the servants, the Coquus, Promus, and Janitor are required to be single, but have obtained the same dispensation, though not by the same authority, as the Principal.

7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?

Various Foundations.

7. With the exception of our two missionary Fellows on the foundation of Sir L. Jenkins, who remain probationary Fellows till they have taken Priests' Orders, all our Fellows enjoy the same rights and advantages. Our N. W. Scholarships are more valuable than those belonging to S. W., having been increased by a later benefaction.

8. Are there in your College any unincorporated or Bye Fellows? If so, by what Statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

8. There are no unincorporated or Bye-Fellowships in our College.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

Restrictions on Fellowships.

9. All our Fellowships, Scholarships, and Exhibitions are of a confined nature. We have one Fellowship and two Scholarships confined to England, and one Fellowship to Jersey and Guernsey, one Fellowship to North and South Wales alternately, two Fellowships and two Scholarships belonging to Cowbridge School, of which the former are the missionary before mentioned, and, lastly, seven North Wales Fellowships and seven Scholarships, and as many South Wales Fellowships and Scholarships, of which some are more confined than others,* *e.g.*, to schools or dioceses, or with preference to certain counties or families.

10. Will you quote the clauses of your Statutes on which any such restriction rests, together with any special reasons which the Founder or framer of your Statutes may have had for this restriction.

10. Our Statutes do not directly refer to a single Foundation in particular, but enjoin generally that the bequests of benefactors shall be strictly observed. They order, in the first place, that the College shall consist of one Principal, 16 Fellows, and 16 Scholars, but inasmuch as sufficient funds were not forthcoming for their maintenance, power is given in the 31st Statute to the Principal and a majority of the Fellows, with consent of the Visitor, to diminish the number of the Fellows for a time, proportionably to the state of the revenue. Still the original number was to be kept up in theory, by the admission of honorary Fellows, who were to receive

* It is curious that our closest Foundation (the Abergavenny) is one confined by Act of Parliament, which enjoins that it shall remain vacant (as it often does), when none so qualified shall be found.

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nothing, but exercise the same privileges as the rest. So matters went on till the time of Sir L. Jenkins, who by his will gave effect to the original idea, and secured it by a scheme confirmed by Royal authority. His testament states, that "Whereas the allowance and maintenance assigned and apportioned by the present Statutes and usage of the said College for 16 Fellows and 16 Scholars, together with the 15*l.* a-year to the Principal, and other charges incident to the government of the said College, cannot, I fear, be raised out of the present revenues thereof, without either defaulting from the maintenance of each Fellow and Scholar, or else leaving some of the said Fellows and Scholars to remain without maintenance, and to be honorary only, as they are termed in the Statutes of the said College: now, that greater respect may be paid to the memory of all our particular Benefactors that have founded or endowed any Fellowship or Scholarship in keeping those places they have founded and endowed always full, though some Foundations and Endowments happen not to be equal in value with others, nor proportionable to the allowances and emoluments that the Fellows and Scholars have at present from the College; and to the end there may be no more honorary Fellows or Scholars (so termed) chosen and admitted in the said College, but that all the 16 Fellows and 16 Scholars (so named) may equally have and receive their full allowances and stipends, I do will and appoint and bequeath, that out of the estates and premises by me reserved as aforesaid, to be charged the sum of 120*l.* a-year, be taken and set aside yearly and every year for ever, to be added to the present revenue and stock of the said College; and that the said Principal, Fellows, and Scholars for the time being do employ the same as part of their proper revenue and stock for and towards the filling and making up of their respective Fellowships and Scholarships, 20*l.* to each and every Fellow of the said College, and 10*l.* a-year to each and every Scholar, under the regulations of the present Statutes, and under the rules and conditions prescribed by the particular Founders and Benefactors. But if it should so happen that the present revenue of the said College is sufficient to answer the said former allowance of the said Principal at the rate of 50*l.* a-year, and of 16 Fellows at the rate of 20*l.* a-year, and of 16 Scholars at 10*l.* a-year a-piece, together with other charges incident to the government of the said College, then my will and meaning is that the said 120*l.* a-year, or as much as shall be remaining of it (the maintenance above-mentioned being made up to the full of the present allowance), be divided between the said Fellows and Scholars for an augmentation of their respective Fellowships and Scholarships, every Scholar having one-half of what a Fellow shall have to his share. And in regard *there is nothing in this world* more valuable in a *society of men* that follow liberal and pious studies than *peace and concord among themselves*, especially in their electing Foundation men, together with a great exactness in observing and performing the will and dispositions of their Founders and Benefactors; my design in the settlement of this 120*l.* a-year upon the College is to engage them (if it may be) before they receive any part of it to fill up all Fellowships and Scholarships that are now vacant, and to set forth in one scheme the present 16 Fellowships and 16 Scholarships of the said College, and therein to show to what dioceses, county-town, place, or family, each by the disposition of the respective Founders and Donors doth and ought of right to belong; and in case there be any of those places that are not already so asserted and fixed by the particular Donors, then to set forth in the said scheme how and to what dioceses, counties, and places *they may by the King's Majesty's authority, as Royal Founder, succeeding in the right of our first Foundress Queen Elizabeth, of famous memory, be asserted and appropriated* (*in their judgments*) with strict regard and dispositions of the particular Benefactors respectively, and with *most advantage to the peace of the said College*." . . . . *June* 12, 1685.

This scheme was drawn out by way of indenture the same year, between the Principal, Fellows, and Scholars on the one hand, and the executors of Sir L. Jenkins on the other, and confirmed by Royal Letters Patent; and it is upon this scheme (wholly apart from our Statutes) that our present Foundations rest.

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the Statutes allow for opening the Foundation?

11. We have rarely, if ever, deviated from the restrictions there prescribed. Now and then, it may be, we have not given *preference* to a particular school or county, where the attainments of the candidate claiming it fell far short of those of his competitors.

12. If the Statutes give a "preference" to certain candidates, how do you interpret such preference?

Preferences.

12. I myself interpret *preference* only to mean strictly "cæteris paribus;" and so it never operates against the best man with me. Others interpret differently; though here I should state that the Statutes themselves give *preference* to a member of the College over strangers, which I interpret in the same way likewise; but few take the same view practically.

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

13. I am decidedly of opinion that our present restrictions operate unfavourably for the most part (here and there one might adduce exceptions, of course), not only on our College, but on the schools in Wales, to which our Foundations are more or less directly attached. Without going into details, I would repeat what I have said elsewhere. I think it would not only be the best change under present circumstances, but one not alien from the intentions of our Founders and Benefactors to throw our Welsh Foundations open to Wales indiscriminately.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

Elections and Examinations.

14. Examinations have more weight with us than they used to have; and in the case of Scholarships especially, unless there is something more than ordinarily close in the Foundation, I should say that the candidate who did the best examination, being provided with the necessary qualifications, was always elected. In the case of Fellowships sociable character is a further consideration.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

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15. Our Scholars have a preference by the Statutes over all others competing for a Fellowship, provided they are not wanting in the necessary qualifications of the particular foundation, which is sometimes the case. Not long since one not a Scholar was elected in preference to Scholars, on a Foundation to be supplied from certain schools. Yet I am not sure what the result might have been had he not happened to be a member of our own College.

Connexion of Scholarships and Fellowships.

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

16. I think the preference given to Scholars in the Statutes has been of piece with our other restrictions, and operated unfavourably on the whole to a great degree; but when our Foundations shall have been thrown open, I think the preference will have a proportionably wide interpretation put upon it, and so may remain as it is.

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

17. All Foundationers are obliged to proceed to the B.D., and also to do the exercises necessary for a D.D., but the degree itself has been dispensed with of late years universally.

Higher Degrees.

18. Do your Statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or dimished in number as the revenues of your College vary? Has such provision of the Statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

18. I have already said that our Statutes allow of our Fellowships being diminished when the revenues of our College are insufficient for their support; but when I say that it is my *deliberate opinion* that the number of our Fellowships *should be* reduced, and the funds of the suppressed Foundations applied to other purposes above specified, I do not mean such a proceeding should be construed to come within the Statute to which I refer, only that Statute does contemplate a diminution of the Fellowships by a singular coincidence, though upon other grounds.

Increase and diminution of Fellowships.

19. Do your Statutes contemplate the residence in College of any Undergraduates noton the Foundation? Do they forbid it? Will you quote the clauses in your Statutes on which such permission or prohibition rests?

19. They do so. Statute xiv.; "Quoniam—possit." Here Commoners, Batellers, and Servitors are specified; but then Statute vii. ed. f. "Communarii verò—exigendum," Commoners are clearly divided into three grades, equivalent to Noblemen, Gentleman-Commoners, and simple Commoners.

Commoners.

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your Statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

20. 100*l.* a-year in land is understood to vacate a Fellowship, but we have no rule as regards funded property. I certainly think one rule should apply to both, but think the above sum too small in these days. Fellowships are not like professions, where a person may increase his income as he grows older in them.

Property disqualifications.

21. Is the Head of your Society, statutably required te enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the Statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

21. The Head of our College is not obliged to be in Holy Orders, or to take them. Sir L. Jenkins, our most distinguished Principal, was a layman. All our Foundationers, I should say, judging from Statute xxii., though Statute xxiii. only expressly mentions Fellows, are obliged to take Holy Orders when B.D. standing. But as Scholars are superannuated, *i.e.* excluded from Fellowships, after 26 years of age, neither the Statute relating to Holy Orders, nor that relating to the higher degrees, affects them as such in the ordinary way, though it has happened that a Scholar has held on till the time for taking Holy Orders, and then resigned.

Clerical restrictions. The Head may be a Layman.

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

22. M.A.'s and then B.A.'s, being Scholars, and, thirdly, Undergraduate-Scholars, are to have preference in a Fellowship election. None of these being eligible, M.A.'s or B.A's, not being Scholars, or, lastly, non-members of the College, may be chosen; but no candidate whatever is eligible who has not completed his 17th year, or who has exceeded his 26th.

Academical restrictions.

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

23. Clergymen may and do stand, and are elected to our Fellowships as well as laymen. There is nothing in the Statutes to exclude them.

24. Are Fellows or other members on your Foundation allowed by Statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

24. Fellows and Scholars (implicitly) may not by the Statutes (Statute xxx.) hold any ecclesiastical preferment worth 10*l.* a-year (in the language of the Statutes); but the Principal may to any amount, so long as it does not interfere with his residence and other College duties.

Ecclesiastical preferments.

25. What statutable restrictions limit the selection of your Head?

25. The qualifications to be observed in the choice of a Principal (according to the Statutes) are, (1) that he be at least of the degree of M.A.; (2) and 30 years old; and, (3) celibate and not married (this condition, by the way, seems conclusive against the validity of the decree of the Visitor exempting that part of the oath where the Principal elect swears that he is unmarried; for here we see *none can be chosen who are married,* and the Visitor has not power to decree contrary to the Statutes); 4, according to the oath to be taken by the electors (*i.e.* the Fellows) he must be either one of the Fellows or of the late Fellows, if any are to be found capable (for these are ordered to have a "cæteris paribus" preference), or else one educated

Election of the Head.

Jesus College.

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at Oxford or Cambridge simply. In the oath to be taken by the Principal elect, what may be called Protestant principles are fully enunciated, and the power of the Pope expressly disclaimed.

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

Benefices.

26. I am not sufficiently acquainted with the annals of our College, to be able to answer this question accurately, and so prefer passing it over unattempted. The Oxford Calendar will supply a list of benefices now in the hands of the College. We have no fund to my knowledge for the purchase of advowsons.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the Statutes allow any special liberty of choice in the Fellowships so connected?

Prælectorships.

27. We have no Prælectorships in our College, for the benefit of the whole University. Those which exist, belong to a former system, and were intended to benefit the College exclusively, of these the Censorship of Philosophy and Prælectorship of Dialectics combined, constitute the present Deanship, the rest are mentioned with their proper titles in the Calendar.

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such schools?

Schools.

28. Jesus College, or I should say, the Principal nominates to the Mastership of the Grammar Schools of Cowbridge, (where the College has just finished building a new school, and master's house, &c., at a very considerable outlay,) of Bala, (where a similar outlay has been made from funds in Chancery,) and of Abergavenny. In the last place the College can only act as Visitor, and is not therefore directly responsible for the condition of the school. We send down Examiners to the first and last yearly, who make reports of the progress and deserts of the boys individually and collectively.

29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or Ordinances?

Visitor.

29. The power of the Visitor will be found set forth in Tit. 34, which is headed "De explanatione dubiorum quorundam in Statutis præcedentibus," and it is likewise touched upon in the oaths of the Principal and Fellows (Tit. 3, and Tit. 6). It will be seen from these passages, that it is limited to the *doubtful* parts of the Statutes expressly; with respect to which his "interpretations, declarations, and expositions," are to be as binding as the Statutes themselves. I am not aware that the Visitor has ever decreed otherwise than conformably with these specifications, except in the case of the marriage of the Principal, about which, as I have said, there are two opinions.

30. Are Gentleman-Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari*? To what charges are they liable, beyond those borne by other independent members?

Gentleman-Commoners.

30. There have never been any Gentleman-Commoners admitted within my experience. They were discontinued some time back, for reasons which approved themselves to the then governing body, and have never been resumed. I believe they used to be treated much in the same way as they are elsewhere, for the most part, throughout the University.

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

Exhibitions.

31. This question I cannot answer fully, our Exhibitions are confined as much as our Foundations, and I should say the majority of them are small in value, though not all. It is not often that the same individual holds a Scholarship and Exhibition at the same time, and Exhibitions are at present given away, more with reference to the pecuniary circumstances of the individual, than from any other consideration; provided, of course, that he belongs to those parts to which the Exhibition is attached, and is generally studious and well behaved. Exhibitions are not unfrequently taken away for bad behaviour; yet from the peculiar circumstances of our College, most Undergraduates are admitted to one or more of the Exhibitions, after their first year. Our Exhibitions are in all cases, I believe, settled as to their amount, tenure, qualifications, and the like by those who bequeathed them.

32. How many persons are supported, wholly or in part, in your Society as Battellers, Servitors, Bible Clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of scholars?

Battellers.

32. Battellers have been discontinued in our College (I cannot say for what reason; unless it was that they were found to be less profitable—they only paid half room rent and tuition) for about fifty years. They were up to that time a numerous body. Whatever reason led to

Servitors.

their extinction, probably led to a diminution of the number of Servitors likewise. I think I have counted as many as 18 or 20 Servitors at the same time, on the old buttery books. Now,

Bible Clerks &c.

however, we have only three: 1st. A Bible Clerk who receives a salary and gets his dinner commons at a reduced price; 2nd. A Kitchen Clerk who keeps the book there, and gets his dinner commons for nothing; and 3rd, a Buttery Clerk, who keeps the book there in the same way, and gets his breakfast and tea commons for nothing, and his dinner commons at a reduced price: all three pay nothing for room-rent, or tuition, and often have Exhibitions. I have known Servitors not only pay all their College expenses, but actually make money while resident. They wear a cap without a tassel, and a gown, I think, without plaits on the bands. For my own part I think their number might be increased advantageously, and the order of Battellers restored no less: for did they exist in sufficient numbers to form a separate society amongst themselves, they would probably never exhibit the occasional fallings away into extravagance, and living beyond their means, which, from associating with Commoners, they do now. It is on the same principle that I have always inclined to the taking of Gentleman-Commoners, pro-

vided they could be had in sufficient numbers to form a separate society apart from the Commoners. It seems clear that our Statutes contemplated that the rich should to a certain extent pay for the poor, and so Gentleman-Commoners are ordered to be charged one-third more (in our Statutes) for their dinner than Commoners; in order doubtless that the College might be indemnified for the allowance made to Servitors.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

33. We have three Tutors and a Mathematical Assistant Tutor, one Greek, one Latin, and one Catechetical Lecturer. Our Principal takes no part in the instruction. Tutors.

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. All our Tutors reside in College, and are Fellows.

35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

35. The Tutors arrange lectures amongst themselves as may seem most expedient, but there is no division of subjects.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. Lectures are given on an average 24 weeks in the year. Subjects—Horace, Euripides, Cicero's Orations, Livy, Homer, XXXIX Articles, Greek Testament, Sophocles, Thucydides, Aristotle's Rhetoric and Ethics, Euclid, Algebra, and Arithmetic, Greek and Latin Composition. Each of these, on an average, three times a week. Here and there a book is occasionally changed, *e.g.*, Aristotle for Plato; and when called for there are extra lectures, *e.g.*, in Logic, Æschylus, Aristophanes, Juvenal, and the like. Till the new Examination Statute Logic formed one of the regular lectures; and then there were seldom more than two or three contemporaries who carried their mathematical studies beyond Euclid and Algebra. The number now seems to be on the increase. Lectures.

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

37. Some of the Undergraduates attend professorial lectures, *e.g.*, those of the Moral Philosopher, and Logic Prælector. But neither at these, nor the Divinity lectures subsequently, is attendance now required in any sense by the College. Professor's Lectures.

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

38. Two of our Scholars are working as Private Tutors here at the present moment, but no other resident members of the College, that I know of. Private Tutors.

39. Can you state how many undergraduate members of your Society are now reading with private Tutors?

39. There may be six of our Undergraduates now reading with Private Tutors, but I should say not more. It is a practice that is not always discoverable, as it is discountenanced, except under special circumstances, by the College.

40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

40. The Prayer Book, A.M. and P.M. service, is not that enjoined in our Statutes, unless upon Sundays and Saints' days (?). It would *appear* that there should be four distinct services daily in our chapel. 1. College prayers at 5·30 A.M., for Fellows and Undergraduates. 2. Church prayers at 8 A.M., for Fellows in Orders. 3. Church prayers for Fellows in Orders at 4·30; and 4. College prayers for Fellows and Undergraduates at 9 P.M. On Sundays and Saints' days, Undergraduates are ordered to attend the 8 A.M.; and 4·30 P.M. services with the Fellows over and above the earlier and later service. It is perhaps difficult to determine the name and nature of the services prescribed in the chapel; but it seems clear that Undergraduates are bound to attendance twice a day ordinarily, and three, or it may be four times upon Saints' days and Sundays. Once a day ordinarily, and twice on Saints' days and Sundays, is now the rule more or less; and non-attendance is oftener visited with a lecture than a punishment. The Holy Communion is administered once a month during Term-time. Attendance at Chapel.

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in Chapel, and instruction given in other ways?

41. I have already stated that we had lectures in Greek Testament and the Articles; we have not unfrequently likewise a lecture in Old Testament History. Our sermons in chapel are only three throughout the year, but the Statutes obliged attendance at the University sermons, which is encouraged, though perhaps not enforced. Religious instruction.

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

42. The Battels of our *Commoners* (*including Tuition and all other College dues*), range between 50*l.* and 80*l.* a-year, or thereabouts. Here and there are battels lower than even 50*l.*, and occasionally one higher than 80*l.* But 60*l.* or 65*l.* is about the ordinary mark. In the year 1849 there were some high battels in the Midsummer Term, owing to the influx of strangers into Oxford, and the result was, that the highest annual amount was unusually high, viz., 91*l.* 18*s.* 9*d.*, while the lowest was 49*l.* 19*s.* 1*d.* Expenses.

43. Will you have the goodness to supply the Commissioners with a weekly Battel Bill of the average amount, and with a quarterly Battel Bill for each of the four quarters of 1849, also of the average amount?

43. I am not able to comply with the request here made, as the Weekly Battel Bills are not within my reach, and we had no Quarterly Battel Bills in 1849. But I take the liberty of enclosing specimens of our present Weekly and Quarterly Battel Bills, the Bills of Prices, and the Matriculation Circular,* which I think will together be a good index to the expenses incurred

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SIR, *Jesus College, Oxford.*

I BEG leave to inform you that our Matriculation Examinations for this Term are fixed for . A letter of recommendation from the Master, under whose charge each candidate has last been, will be required.

The candidates will be examined in two books of Euclid, Arithmetic including Vulgar and Decimal

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by our Undergraduates. The new system was the result of much calculation, and has been adopted now for a year. But it was not found possible to reduce the charges under the previous system, very considerably, so reasonable were they, and the conclusion drawn from a rigid scrutiny of them, was, that the chief recommendation of the present arrangement would be that the charges would be more direct and obvious. There are those whose regular living adds weight to their testimony, who calculate that they are saved between 2*l.* and 3*l.* a-year under the present system; which is about the amount that was estimated, and this in a College of 60 or 70 members would make a difference of from 150*l.* to 200*l.* a-year to the College.

Fractions, Algebra to the beginning of Simple Equations, the Medea and Hecuba of Euripides, the first four books of Xenophon's Anabasis, the twenty-first book of Livy, and three books of the Odes of Horace, and will be placed in the order of merit.

The expenses of Matriculation for a Commoner average 5*l.*, independently of the caution money (20*l.*) deposited in the hands of the Bursar.

It is a rule of the College that no one be allowed to come into actual residence, or to take rooms, before the third Term after his Matriculation.

I am, Sir,
Your obedient Servant,

BATTELS.

Week Quarter, 1851. *Jesus College, Oxford.*

Mr.

	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	£.	*s.*	*d.*
Buttery										
Kitchen										
Coal										
Coffee, Toast, and Ale										
Letters										
Messenger										
Gate Bill										
Cruets										

TOTAL AMOUNT of WEEKLY BATTEL-BILLS.

	£.	*s.*	*d.*
First week			
Second ditto			
Third ditto			
Fourth ditto			
Fifth ditto			
Sixth ditto			
Seventh ditto			
Eighth ditto			
Ninth ditto			
Tenth ditto			
Eleventh ditto			
Twelfth ditto			
Thirteenth ditto			

NOTICE.

Weekly and quarterly battel-bills are charged 2*d.* each.

Letters are charged at 1*d.* for every one *received*, or as pre-paid.

The charges of the gate-bill are—2*d.* from 9 to 10 P.M.; 4*d.* from 10 to 11; 8*d.* from 11 to half-past 11; 1*s.* from half-past 11 to 12; 1*s.* 6*d.* after 12.

The messenger is not allowed to charge more than 1*d.* for a *single* message.

The *only* gratuity sanctioned by the College is 1*l.* a Term to the bed-maker, (10*s.* from servitors.) No bed-maker is, however, entitled to claim it as his due, it being sanctioned expressly on the supposition that it would be withheld wholly or partially should he not give satisfaction to his master.

All other gratuities are strictly forbidden.

JESUS COLLEGE.

44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

Rev. E. S. Foulkes, B.D.

44. One of our most deserving Undergraduates who is in his third year, tells me that all his expenses, including clothes, books, grocery, travelling expenses, &c., (not however taking into account his *keep* at home during his vacations), fall always within 80*l.* a-year. Of course too, neither his caution money, nor the furnishing of his rooms, are taken into account, nor indeed are these lost to him. It is by no means uncommon to find the same expenses defrayed for 100*l.* a-year by our Undergraduates. Expenses.

45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

45. Looking at the cost of a gentlemanly education throughout England, in the present day, I must say that I scarce know where education (with so many advantages to boot) may be had at so cheap a rate. I think the only reduction that could be effected, would seem to be the charge for Tuition, which *might be saved were the Tutors paid out of the funds arising from suppressed Fellowships.* Of course reductions will be made from time to time in points of detail, as the prices of things lower, and so forth.

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

46. All Undergraduates may get books from the library, through one of the Fellows, who is responsible for them while out, and is required to see them put back when returned. There are no library fees. Library.

47. What number of Undergraduates is your College capable of accommodating?

47. The number of our Undergraduates necessarily depends on the number of Fellows occupying rooms; but with our present number of Fellows in residence, I suppose we could accommodate about 60 Undergraduates (scholars included) with convenience. Numbers.

I cannot close my paper without making one or two remarks upon what has been said here, and in my former answers; and first I would wish to observe that the propriety of tests discussed in my first paper, should be regarded as a wholly distinct question from any thing subsequently said respecting the opening our Foundations, or suppressing supernumerary Fellowships. For whether the first be determined affirmatively or negatively, it need be no prejudice to the last, and indeed would be argued upon totally distinct grounds. It has been suggested to me, that in wishing to modify our present tests, and throw the matter upon the Colleges themselves, one might be supposed to be scheming the return of Roman Catholics to the older Colleges. It is quite possible that result might ensue; but I *wish to state explicitly, that it was not one which distinctively weighed with me.* Indeed I know not what modifications may have been introduced by authority since the Reformation, into the Statutes of those Colleges which were founded before the Reformation: and therefore I am by no means certain how far Roman Catholics would be gainers. But of this I am certain, that there is *nothing whatever in our Statutes* to prevent *Dissenters* being admitted to the Foundations of my own College, whether Headship, Fellowship, or Scholarship, and retaining the two last till the time for taking Holy Orders. Nor is there anything in the *statutable* discipline to which they could Alteration of tests.

Jesus College, . . *Quarter*, 18 .

QUARTERLY BATTEL-BILL.

	£.	s.	d.
University dues			
[a] Tuition per quarter (Michaelmas quarter omitted) .	5	7	0
[b] Catechetical Lecturer	0	1	6
Servants, chiefly bed-makers	2	10	0
* Shoe-cleaning	0	5	0
* Waiting in hall	0	5	0
* Washing of table-cloths in ditto	0	2	6
* Cleaning and use of knives and plates in ditto . .	0	6	6
[c] Attendance in common room	0	5	0
Gas	0	2	9
Oil and lamp-lighting	0	6	6
* Coal-carrier			
Chimney-sweep, at 9*d.* a chimney			
Cleaning windows, at 6*d.* a window, and grates at 2*s.* 6*d.* a grate, thrice a year; and carpets at 2*s.* 6*d.* a carpet, once a year			
Glazier			
Promus (per quarter, Michaelmas included) . .	0	2	2
[d] Room-rent (ditto)			
	£		

N.B.—This quarterly bill contains all charges made to residents which do not enter the weekly battel-bill. Servitors, however, are exempt from tuition and room-rent, and pay only 1*l.* for servants, and nothing for coal carriage. Occasional residents up three days and above are charged in the weekly battel-bill 3*s.* for servants, and 6*d.* for each of those charges marked with an asterisk. Residents during the Long Vacation are only charged for oil and gas. Promus is paid for keeping the books, and is charged to all residents and non-residents alike.

[a] All Undergraduates (except Servitors) pay tuition from the time they come into actual residence till they pass the third examination, and also till they have paid nine of the above sums.

[b] Charged to all under six years' standing.

[c] Charged only to resident M.A.'s.

[d] Room-rent varies with the size of the rooms. None are charged before coming into actual residence, or after they cease to hold rooms, which are not tenable for more than twelve terms ordinarily. Servitors are not charged room-rent, and Scholars, who are always entitled to rooms while resident, are allowed 7*l.* a-year towards it.

JESUS COLLEGE.

Rev. E. S. Foulkes, B.D.

not conscientiously conform, I mean such as have received Christian baptism: and I do think it a problem well worth considering whether very much of the misunderstandings and prejudices which rend the whole Christian family, might not be removed or softened by Christians of all denominations, being more brought together than they are now; and may not the present be a good opportunity for trying the experiment in a common University? By leaving the Statutes as they are, with reference to the theological degrees, and the conditions of those degrees as they are to the discipline of the Church of England, the Church of England would still exercise predominant influence over the Colleges and University; while by removing or modifying the religious tests in a University matriculation, numbers would be brought into contact with the mild spirit of the English Church, who are now estranged from her; and I very much doubt whether more would be surrendered than would eventually be gained to her cause. But be that as it may, I think the circumstances of our common country *require* a change, and it is one which, if judiciously made, might in my humble opinion do much to reunite Christians in one body. These, and therefore none more narrow, are the reasons which influenced me

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RATE of CHARGES to be made in the KITCHEN.

Soups, per half-pint.

	s.	d.		s.	d.
Mock turtle	0	7	Hare	0	5
Julienne	0	5	Carrot	0	6
Mulligatawny	0	7	Vermicelli	0	6
Ox-tail	0	7	White	0	7
Ox-cheek	0	6	Palestine	0	6
Giblet	0	6	Beef tea	0	6
Gravy	0	5	Broth	0	3
Pea	0	6			

Fish, fowl, game, joints, eggs, vegetables above the market price in the shilling, 2*d.*

Dishes as follows.

	s.	d.		s.	d.
1 lb. of beef steaks (before cooking)	0	7	4 kidneys	0	7
,, mutton chops (ditto)	0	7	½ lb. sausages	0	7
¾ lb. veal cutlets with bacon (ditto)	0	7	Sweet Omelette, for four	1	6
¼ lb. of ham and 3 eggs	0	7	Savory ditto, for ditto	1	0

Sauces.

	s.	d.		s.	d.
Mint (one-sixth of the ½ pint)	0	1	Egg	0	2
Piquante	0	2	Apple	0	2
Bread	0	3	Plain fish	0	2
Mushroom	0	3	,, butter	0	1
Caper	0	3	Currant jelly (1 oz.)	0	1½
Onion	0	2	Pickles (ditto)	0	1

	s.	d.		s.	d.
1 oz. of mustard	0	2	4 oz. of salt	0	0½
1 oz. of pepper	0	2	¼ of orange	0	0½
¼ pint of vinegar	0	2	¼ of lemon	0	0½
1 oz. of sugar	0	1			

A commons is understood to include 5 ozs. of dressed meat and 4 potatoes, and to be charged 7*d.*; a *second* smaller or half commons, 3 ozs. of dressed meat and 3 potatoes may be had for 5*d.*; 3 ozs. of cold meat for luncheon, 3*d.*; of cold ham or brawn, 4*d.*; 3 sandwiches, 3*d.*; extra vegetables, namely, those in season, 1*d.*; salad according to the season, 3*d.* or 2*d.*

Pastry.

	s.	d.		s.	d.
Apple tart (for four), a fourth part	0	5	Maccaroni pudding	0	5½
Rhubarb			Vermicelli ditto	0	5½
Currant			Cream, a glass of, 14 to the qt.	0	5
Gooseberry			Custards	0	3
Cranberry	0	5	Jelly	0	3
Damson (open)	0	5	Blancmange	0	3
Gooseberry, ditto	0	5	Apple dumpling	0	3
Black currant, ditto	0	5	2 pancakes	0	4½
Strawberry, ditto	0	5	Slice of plum-pudding	0	5
Apricot, ditto	0	5	Mince-pie	0	4
Greengage, ditto	0	5	New Coll. pudding	0	3½
Bread pudding	0	3	Tartlet	0	4
Bread and butter ditto	0	3½	Cheese-cake	0	4
Baked plum ditto	0	5	Roll pudding	0	4
Custard ditto	0	5½	4 apple fritters	0	3½
Rice ditto	0	4	4 orange ditto	0	3½

Jams and jelly at 1*s.* 6*d.* per lb. or 1½*d.* per oz., except apricot and greengage, which are 2*s.* per lb.

	s.	d.		s.	d.
Arrow-root, ½ pint	0	3	Barley water, ½ pint	0	3
Sago, ditto	0	3	Lemonade	0	2
Gruel, ditto	0	3			

Jesus College.

Rev. E. S. Foulkes, B.D.

in what I said about tests in my first paper. With respect to the present paper, I should desire to be understood as laying stress particularly upon three points: 1. The throwing open our Welch Foundations (possibly the *Exhibitions might* remain as they are) to Wales indiscriminately; 2. The suppression of superfluous Fellowships and application of the funds to other purposes within the College, though, it might be, bearing upon the University; 3. Earlier superannuation in the case of Scholars. Of course it would be materially for their solid success that these changes should not be made by *strangers*, or till it was seen whether Halls were to be the medium for increasing our numbers in connexion with the Colleges, and many other preliminary changes in the University settled. I think whatever changes are made, should be made as much as possible with reference to our Statutes, and no needless or wanton departure imposed on those sworn to observe them, and not to get them repealed. But I believe Statutes capable of a very wide interpretation, and I cannot doubt that our pious Founders and Benefactors desired the good of our common country, no less than we; it is to the difference between the circumstances of their times and our own, that we should ascribe the necessity of the present inquiry. I would add, that I doubt the expediency of doing away with the obligation to take orders. 1. I think it is a wholesome restraint upon Fellows of Colleges, to be in Holy Orders. I much fear there would be a large *increase* of immorality, were Holy Orders the exception and not the rule. 2. Advocating, as I do, the abolition of tests generally, I think the Church of England should (at all events for the present) be allowed the indirect influence she would have upon College Fellowships, and Scholarships, through the Theological Degrees, to which only those in Holy Orders are admissible. 3. It would be too sudden and too violent a change in connexion with the other changes which are to be made. 4. It would slacken the succession; as College livings would no longer be the vent they are now for those getting into years. (Besides too, what would then have to be done with College livings if the majority were to be laymen? Would they not be likely to defeat that object, if they remained attached to Colleges?) 5. I think of all professions, the clerical one is the most appropriate for carrying on the work of education. 6. I think it would be no bar to Dissenters practically, were *University* tests abolished; they would be, moreover, able to enjoy Fellowships and Scholarships till the time for taking orders came, privileges which would seem quite as much as they could expect, or ought to have at the very outset.

Opening of Fellowships.

Obligation to take Holy Orders.

E. S. FOULKES, B.D.,
Fellow and Tutor of Jesus College.

From the Common-Room Man.

	s.	*d.*
5*s.* tea for one, without cream and sugar (½ oz. = 1 pint)	0	2½
2*s.* coffee (1 oz. = 1 pint)	0	2
Cream and sugar for one	0	1
Chocolate with ditto	0	4
Dry toast for one (half a rack)	0	1½
Butter ditto	0	2
Anchovy ditto	0	3
1 muffin buttered	0	1½
1 crumpet ditto	0	1½
1 roll (large size) ditto	0	3
1 tea-cake, ditto	0	3
Ale, per half-pint	0	1½
Mild ditto	0	1
Pale Ale	0	2
Porter	0	2
Stogumber	0	1½
Bottled ale (qt. bot.)	0	10
„ porter, ditto	0	10
Pints of ditto	0	5
Swig, per quart	0	10
Bishop, per bottle (making)	1	0
Sherry, ditto	0	10
Punch, ditto	0	6
Brandy (qt. bot.)	6	0
Gin, ditto	3	0
Rum, ditto	4	0
Whisky	4	0

In the Buttery.

	s.	*d.*
Cheese, 1½ oz.	0	1
Butter, ¼ lb.	0	4½
„ ½ oz.	0	1
Small beer, ½ pint	0	0½
Bread, loaf of, (½ quartern)	0	3
Bread, loaf of, (3 ozs.)	0	0½
Ditto (10 ozs.)	0	1½
Rolls (larger size)	0	1½
Ditto (smaller)	0	1
1 biscuit	0	1½

NOTICE.

This list is to be supplied to all residents with the first battel-bill of the Term, at the charge of 2*d.* A supplemental list is kept in the kitchen.

The above charges are intended to specify the so much per head to be observed in all charges.

Written orders, in all cases, of extra breakfasts, dinners, and suppers, are to be sent to the cook and common-room and buttery-man, who are to return them the following day with the charges affixed.

Four shillings a Term (or sixpence weekly for eight weeks) is to be charged to all residents, and sixpence a-week to all occasional residents, for the use of the cruets in hall, including sugar. At other times, the same articles, if had from the kitchen, will be charged as above.

The ordinary commons of pastry may be had at dinner instead of the meat-commons, but it will then be charged seven-pence; a second commons of pastry will be charged the usual price. Fish, if any, may be had in a half-commons when taken over and above the meat-commons.

Undergraduates and B.A.'s not wishing to dine will be charged only four-pence, provided they leave their names on the slate in the kitchen by 9 o'clock A.M. the same day.

Any complaints should be made immediately to the proper authority.

Jesus College, Feb. 5, 1851.

WADHAM COLLEGE.

WADHAM COLLEGE.

Rev. B. P. Symons, D.D., Warden of Wadham College.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

MY LORD, *Wadham College, October* 30, 1850.

I BEG to inform your Lordship that I have received the copy of Her Majesty's Commission of Inquiry respecting the University and Colleges of Oxford, which you have done me the honour to forward to me, together with the letter accompanying it; and that my most considerate and respectful attention shall be given to the subject of them.

I have the honour to be, my Lord, your obedient faithful servant,

B. P. SYMONS, *Warden.*

The Lord Bishop of Norwich.

Answer from the same to the Paper of Her Majesty's Commissioners, addressed to the Authorities of the University and other eminent Persons, containing Heads of Inquiry into the State, Discipline, Studies, and Revenues of the University.

THE Warden of Wadham begs to acknowledge the receipt of a printed paper from "Her Majesty's Commissioners for the University of Oxford," &c., dated the 18th instant, containing suggestions respecting the constitution of a University.

Wadham College, November 23, 1850.

To Letter II. of Her Majesty's Commissioners the following Answer was received:—

To Her Majesty's Commissioners for the University of Oxford.

GENTLEMEN,

Letter from eight Fellows of Wadham College.

WE, the undersigned Fellows of Wadham College, Oxford, have reason to believe that a letter containing certain inquiries was addressed by you to "the Warden and Fellows" of this College.

We regret that no acknowledgment of that letter should have been returned. We think it but fair to ourselves to state that neither the letter, nor the matter it touched, were ever brought before us as a College. The Warden claims the power of refusing any discussion on the point.

We do not wish to say that the Fellows, if consulted, would have answered the questions, or even that those who sign this would have done so. All we wish to do is to clear ourselves of any share in the omission to acknowledge your communication.

We remain, Gentlemen,
Your obedient servants,

HENRY KING, M.A., *Fellow.*
RICHARD CONGREVE, M.A., *Fellow.*
GEORGE E. SAUNDERS, M.A., *Fellow.*
SAMUEL JOSEPH HULME, M.A., *Fellow.*
C. DOUGLAS ROSS, B.A., *Fellow.*
H. B. BOWLBY. M.A., *Fellow.*
RICHARD C. W. RYDER, M.A., *Fellow.*
FRANCIS M. NICHOLS, B.A.. *Fellow.*

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*Rev. John Griffiths, M.A.**

To Letter III. of Her Majesty's Commissioners the following Answers were received:—

SIR, *December* 30, 1850.

To many of the questions subjoined to your circular letter of the 6th instant I now return my answers, which I have studied to make as concise and clear as I can. There are some of your Questions on which I am unable to furnish any information; and I must add, without intending any disrespect to Her Majesty's Commissioners, or to yourself, that there are others to which I do not feel myself at liberty to give an answer without the consent of my College, or of the individual Members of it concerned in them.

I have the honour to be, Sir,
Your very obedient servant,
JOHN GRIFFITHS,*
Senior Tutor of Wadham College.

1. Is your Society governed by Statutes? If not, are there any orders or rules by which it is governed?
2. If the Society is governed by Statutes, were those Statutes given by the Founder? Are the original Statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

Statutes.

1, 2. By Statutes given by the Foundress and still in force.

7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?

7. No.

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* For Mr. Griffiths' general Evidence, see Part I., p. 202.

Rev. John Griffiths, M.A.

8. Are there in your College any unincorporated or Bye Fellows? If so, by what Statutes are they governed? Do you consider such Fellowships beneficial to the Society? or do you think their present position might be altered with advantage?

8. No.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

Restrictions on Fellowships.

9. All the Fellows are elected from the Scholars; three of them may be of the Founder's kin by preference. Six Scholarships are open to competition without restriction except in age: by preference three may be natives of Somersetshire, three of Essex, and three of the Founder's kin.

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the Statutes allow for opening the Foundation?

12. If the Statutes give a "preference" to certain candidates, how do you interpret such preference?

Preferences.

11, 12. Such preference must be given if the Candidates be fit. Of their fitness the electors are the judges.

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

13. I "consider the present restrictions on the election of" our *Fellows*, except the privileges of the Founder's kin, "to be beneficial to the promotion of education" in our own Society. I do not consider the restrictions on the election of our *Scholars* beneficial.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

14. Yes.

Examinations.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

15. See 9.

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

16. See 13.

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

17. No.

18. Do your Statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the Statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

18. No.

19. Do your Statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your Statutes on which such permission or prohibition rests?

19. They contemplate such residence, permitting but not enjoining it.

Commoners.

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your Statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

Property disqualification.

20. Ten pounds per annum in real property only. I think it would be right and useful to have such a rule with regard to personal property also, of a larger amount, and when acquired by gift, bequest, or inheritance, but not by a man's own saving. As to real property, it is very hard that by the existing law of England an heir-at-law cannot avoid an estate descending to him from an intestate owner, whereas a devisee can renounce an estate bequeathed to him, without performing an act of ownership.

21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the Statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

21. The Warden must be D.D. No Fellow or Scholar is required to enter into Holy Orders.

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

22. No.

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

23. Neither.

24. Are Fellows or other members on your Foundation allowed by Statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

24. To the value of 8*l.* in the king's books.

Ecclesiastical preferments.

25. What statutable restrictions limit the selection of your Head?

25. He must be or have been a Fellow. If not a D.D. he must take that degree within a year.

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

Benefices and advowsons.

26. Seven: one about 180 years ago by gift; another about 130 years ago by gift; five within the last 40 years by purchase, from a fund bequeathed to us in 1806, and still existing.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the Statutes allow any special liberty of choice in the Fellowships so connected?

27. No.

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

28. No.

WADHAM COLLEGE.

Rev. John Griffiths, M.A.

30. Are Gentleman-Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari*? To what charges are they liable, beyond those borne by other independent members?

Gentleman-Commoners.

30. We have had no Gentleman-Commoner admitted since I have been Tutor.

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

31. I cannot.

32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible Clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of Scholars?

Bible Clerks.

32. Two Bible Clerks. They check the attendance in chapel and say grace in hall. They are chosen by the Warden after examination. They wear Scholar's gowns. I believe there were Servitors in former times.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

Tutors.

33. Three Tutors, and one Mathematical Lecturer who is not a Tutor. The Warden takes a direct part in the instruction.

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. All the Tutors are Fellows and reside within the walls.

35. Is each Tutor expected to lecture on all subjects, or is there a division of subjects?

35. The Tutors divide the subjects among themselves as they think fit.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

Lecturers.

36. During about 25 weeks: our Collections occupy two weeks more. From 65 to 70 Lectures are given weekly on Divinity, Classics, Logic, and Mathematics. About 10 or 12 Undergraduates attend the higher Lectures in Mathematics.

37. Are any members of the College required to attend any Professors' Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

37. No.

38. Can you state how many members of your Foundation, and how many independent members of the Society are engaged as private Tutors?

38. I cannot.

39. Can you state how many undergraduate members of your Society are now reading with private Tutors?

39. I cannot.

40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

Attendance at chapel.

40. Twice a-day: but in this, as in most other things, a large discretion is given to the Warden. I believe he now requires attendance once on week-days and twice on Sundays, enforcing it by persuasion and argument alone, and never as a punishment.

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

Religious instruction.

41. Undergraduates attend two Lectures a-week in the Greek Testament, so reading through the Gospels, the Acts of the Apostles, and most of the Epistles, during their residence; and those of a certain standing attend also a Lecture once a-week on the XXXIX Articles.

45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

45. No.

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

Library.

46. Our Library is only open to Graduates.

47. What number of Undergraduates is your College capable of accommodating?

Members.

47. The College can accommodate 70 persons: the number of Undergraduates within the walls at any given time depends upon the number of Graduate Foundationers in residence.

JOHN GRIFFITHS.

The Rev. A. P. Stanley,
Secretary to the Oxford University Commission.

Rev. R. Congreve, M.A.

Answers to the same, from the Rev. Richard Congreve, M.A., Fellow and Tutor of Wadham College.*

3. Is there any provision in your present Statutes for their alteration or amendment; or was there, in your original Statutes, any such provision?

Alteration of Statutes.

3. There is no provision in our Statutes for their alteration or amendment; on the contrary, the intention seems to be that they should never undergo either. There is provision made for their interpretation.

4. Will you state in what respects, if any, your Statutes have ceased to be observed, whether owing to lapse of time or other causes?

Non-observance of Statutes.

4. In points of teaching they are not observed, but the change seems owing to the entire change in that respect in the University. The provisions made for disputations, &c., are quite out of date, and seem to have contemplated a more exclusively collegiate education. There are other slight changes: some in the mode of life, such as the occupation of rooms, the talking Latin at dinner, the reading some portion of the Bible during dinner; and with respect to residence, the provisions of the Statutes are not enforced.

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* For Mr. Congreve's general Evidence, see Part I., p. 151.

5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

WADHAM COLLEGE.

Rev. R. Congreve, M.A.

5. Non-residence is not contemplated by the Statutes as a practice. But there are provisions for the non-residence of the Warden during four months of the year, and of the Fellows for 40 days, Scholars 30, and others 20. A discretionary power is given to extend this, but not, I conceive, with any intention that it should operate as it does, when we have only four of our number (15) resident. Wisely, however, it has been interpreted to allow non-residence. I cannot see any good that would arise in the present state of things from bringing up into residence more than are required for the purposes of tuition. Residence.

6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

6. No. The permission was granted by the authority of Parliament and is not applicable to any but the Warden. Marriage of the Head and the Fellows.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations?

14. Yes. They are now and have been of late, and the Statutes strongly require they should be so. Examinations.

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

16. I cannot judge how it worked when the seniority principle was much stronger in the elections. But for reasons given in my other answers I think the connexion a good one and beneficial to the College, if fairly carried out, and with certain limitations there stated. Connexion of Scholarships and Fellowships.

29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or Ordinances?

29. Without quoting the clauses, I may say that the Visitor's power is conceived in the Statutes as very considerable for the practical superintendence of the College. Of his own accord he ought *to interfere actively*. This of course he does not do. Cases of appeal have occurred but on no very important points. I do not see that he has any power to give new Statutes. It is one of interpretation and practical government. The time of the visitation is limited, and the expenses incurred by the Visitor are to be defrayed by the College. Visitor.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. Mathematics, Divinity, Logic. The classical lectures are given in the following books:— Herodotus, Thucydides, Livy, Tacitus, Cicero, Demosthenes, Æschylus, Sophocles, Aristophanes, Horace, Homer, Aristotle's Ethics, Rhetoric, and occasionally Politics. Since the change in the system by the new Statute it has become necessary to introduce Cicero, Demosthenes, Homer. Further changes will be, I presume, required when the old system is entirely at an end. Lectures.

39. Can you state how many undergraduate members of your Society are now reading with private Tutors?

39. No; but as a general rule all do, except those who merely go in for a pass and who are tolerably well advanced for that, but who do not feel inclined to exert themselves for more. Private Tutors.

43. Will you have the goodness to supply the Commissioners with a weekly Battel Bill of the average amount, and with a quarterly Battel Bill for each of the four quarters of 1849, also of the average amount?

43. We have no Battel Bills. Every Saturday each man may see his expenses for the week, but no bill is issued. Battels.

44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

44. I have known an Undergraduate live somewhat under 150*l.* per annum. I conceive that many have done it considerably under, but I cannot speak as knowing the fact. Expenses.

Pembroke College.

PEMBROKE COLLEGE.

Rev. T. F. Henney, M.A. Vicegerent of Pembroke College.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

My Lord, *Pembroke College, Oxford, November* 1, 1850.

The Master of Pembroke College has delivered to me, as his Vicegerent, your Lordship's letter of the 21st instant, addressed to him on the part of Her Majesty's Commissioners for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

I shall be happy to assist the Commissioners in executing Her Majesty's commands by furnishing whatever information I possess relative to the proposed objects of their inquiry.

I have the honour to be,
Your Lordship's obedient servant,
THOMAS F. HENNEY, *Vicegerent.*

To the Right Rev. the Lord Bishop of Norwich.

To Letter II. of Her Majesty's Commissioners the following Answer was received:—

From the Rev. Francis Jeune, D.C.L., Master of Pembroke College, Oxford.

Rev. Francis Jeune, D.C.L., Master of Pembroke College.

My Lord and Gentlemen,

In reply to your inquiries relative to the revenues, &c., of Pembroke College, I am instructed by the Society to lay before you the statement given below.

Revenues.

As each of the Foundations in this College has its own endowments, and those often of different kinds and arising from several sources, our accounts are very complicated; and the variations which arise from year to year—variations which would probably compensate each other if all the property of the College were thrown into one fund, and divided between the members on the Foundation—cause great differences in the income of the persons whom they happen to affect. The statement laid before you is based on the accounts for the last year; but, in order to give a fair impression as to the average revenue, and to simplify the Return, some corrections have been made and fractions omitted. On the whole, the statement may be regarded as showing the probable income of the College for some years to come, should rents and interest on the one hand, and the number of members on the books on the other, continue such as they are now.

I shall be happy to give any oral explanations which Her Majesty's Commissioners may require.

Statutes.

The College has no full copy of the Statutes which it could suffer to be removed from the custody of the Master, but it is willing to give every facility to Her Majesty's Commissioners for inspecting and copying them.

I have the honour to be,
My Lord and gentlemen,
Your obedient servant,
FRANCIS JEUNE, *Master.*

Her Majesty's Commissioners for the University of Oxford.

Corporate revenues.

Corporate Revenues.

	£.	*s.*	*d.*
Land at rack-rent	1,606	12	9
Rent charges	285	15	8
Tithe rent charge	295	4	6
Money (interest)	584	14	8
Room rent	558	19	6
Decrements	135	0	0
Fees	25	0	0
Dues from the members, incidentals, and vacancies	707	18	9
Corporate revenues	£4,199	5	10

Specific application of corporate revenues.

Specific application of the Corporate Revenues.

	£.	*s.*	*d.*	Total. £.	*s.*	*d.*
Head of the College	860	0	0	860	0	0
4 Tesdale Fellows, each (3 vacancies; 2 ditto of Scholars.)	154	0	0	616	0	0
1 King Charles Fellow	154	0	0	154	0	0
Richard Wightwick Scholar, kin Fellow	95	7	0	95	7	0
Junior ditto	74	7	4	74	7	4
Ditto, non-kin Fellow	74	0	0	74	0	0
2 Benet Fellows, each	20	0	0	40	0	0
2 Sheppard Fellows, each	169	0	0	338	0	0
1 Phillips Fellow	80	0	0	80	0	0
4 Francis Wightwick Fellows, each	70	0	0	280	0	0
4 Tesdale non-kin Scholars, each	28	0	0	112	0	0
2 Wightwick kin Scholars, each	28	0	0	56	0	0
2 Wightwick non-kin Scholars, each	30	0	0	60	0	0
3 Francis Wightwick Scholars, each	40	0	0	120	0	0
2 Benet Scholars, each	10	0	0	20	0	0
1 Phillips Scholar	40	0	0	40	0	0

PEMBROKE COLLEGE.

Rev. Francis Jeune, D.C.L. Master of Pembroke College.

	£.	s.	d.
Members on the Foundation	3,019	14	4
Common expenses—			
Fabric, library, officers, taxes, rates, charities, incidentals	1,179	10	6
	£4,199	5	10

There is but one small estate let on lease. The reserved rent is £11 10*s.*, and the fine, taken every seven years, something under £100.

Number, Value, Tenure, of the several Unincorporated Scholarships and Exhibitions.

	£.	s.	d.
Land	335	5	10
Rent charges	116	10	0
Money (interest)	91	14	8
	£543	10	6 Net.

Application.

	£.	s.	d.	£.	s.	d.
2 Rous Exhibitions (7 years), each	29	2	6	58	5	0
2 Cutler Boulter Exhibitions (7 years), each	36	8	0	72	16	0
5 Morley (10 years), each	9	14	0	48	10	10
1 Radcliffe	18	18	8	18	18	8
8 Townsend (8 years, if resident), 5 residents	52	0	0	260	0	0
2 Oades, senior	25	0	0	45	0	0
,, junior (4 years)	20	0	0			
2 Lady Holford (5 years), each	20	0	0	40	0	0
				£543	10	6

Exhibitioners, if non-resident, are not suffered, generally speaking, to retain their Exhibitions.

To Letter III. of Her Majesty's Commissioners the following Answer was received:—

From the Tutors of Pembroke College.

The Tutors of Pembroke College.

1. Is your Society governed by Statutes? If not, are there any orders or rules by which it is governed?
2. If the Society is governed by Statutes, were those Statutes given by the Founder? Are the original Statutes in force, wholly or in part? If they are not in force, by what authority, and when have they been altered?

1 & 2. By Statutes, given by a Royal Commission, of which Richard Wightwick, one of the Founders of the College, was a member; the other Founder, Thomas Tesdale, having left his property to add Fellows and Scholars to Balliol College, by will. One subsequent Statute seems to have been made by Wightwick himself, four years after the original Statutes were given. Statutes.

The original Statutes are in force generally, but Archbishop Laud, Visitor, enacted that, in case no fit scholars should be found in Abingdon School, the College was to take them from any school in Berkshire. The Duke of Wellington, Visitor, has declared that this was a limitation, not an extension of the power vested in the College by the Statutes. Lord Westmoreland, Visitor, has permitted Fellows to hold livings under a bond of resignation.

3. Is there any provision in your present Statutes for their alteration or amendment; or was there, in your original Statutes, any such provision?

3. There is no such provision, but the College, with the sanction of the Visitor, may make new Statutes, provided they be not repugnant to the fundamental Statutes. Alteration of Statutes.

4. Will you state in what respects, if any, your Statutes have ceased to be observed, whether owing to lapse of time or other causes?

4. In many respects; but the points in which the Statutes have ceased to be observed are in great part, as will appear from the following instances, trivial and unimportant. Such alterations relate to— Non-observance of Statutes.

1st. The time of Divine Service, the attendance, and the penalties for absence.
2nd. The duties of servants.
3rd. Statutes respecting meals.
4th. Respecting residence.
5th. Respecting the Lectures and Disputations in the College.
6th. Respecting the Exercises to be performed in the College for Degrees.
7th. Respecting stipends of College Officers.
8th. Respecting the mode of keeping the accounts and managing the estates.

5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

5. The Statutes undoubtedly contemplate the residence both of the Head and Fellows. Fellows, in accordance with the Statutes, pay a fine for non-residence. Mrs. Shepherd's Fellows are allowed, by her indenture with the College, to be non-resident. Residence of Head and Fellows.

Certainly not, unless they had employment in the College or the University, or were men devoted to literary pursuits.

PEMBROKE COLLEGE.

The Tutors of Pembroke College.

6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

Marriage of Head and Fellows.

6. The marriage of the Head is not prohibited; that of the Fellows and Scholars is prohibited, under pain of losing their Fellowship or Scholarship.

7. Does the College consist of several Foundations? if so, do the Fellows on the several Foundations enjoy the same rights and advantages?

Variety of Foundations.

7. The College consists of several Foundations. The emoluments of each Foundation are separate. One Fellow is excluded from certain offices. The removal of such disqualification would be of decided benefit to the Society.

8. Are there in your College any unincorporated or Bye Fellows? If so, by what Statutes are they governed? Do you consider such Fellowships beneficial to the Society? Or do you think their present position might be altered with advantage?

8. No.

9. How many of your Fellowships, Studentships, Scholarships, Exhibitions, or the like, are at present open to competition without restriction; and how many confined to particular places, or schools, or to persons of the kin or name of Founders?

Restrictions on Fellowships.

9. None are entirely open.

Mrs. Sheppard's two Fellows must be persons who have passed their Examination for the Degree of B.A., and must, the one graduate in Medicine, the other be called to the Bar; otherwise they are open.

Sir John Benet's two Fellows must be elected from the Scholars, and the Scholars must be of two years' standing, and not have been of the original Foundations, or capable of admission into them. These Fellows are elected for seven years, but may be re-elected, if they shall have been found very useful in the College.

Francis Wightwick's Fellowships and Scholarships are subject only to a preference in favour of persons of the name or kindred of Richard Wightwick; otherwise they are open. The Scholars, if found fit, succeed to the Fellowships.

King Charles the First's Fellowship is in the nomination of the Dean and Jurats of Jersey and Guernsey in turn, and confined to natives of the respective islands.

Sir John Phillips' Fellowship and Scholarship are confined to natives of Pembrokeshire, and, in default of such, to natives of South Wales. The Scholar succeeds to the Fellowship.

Four Tesdale Fellows, and two Tesdale Scholars, must be of his kindred. Three Fellows, and four Scholars, are to be taken from Abingdon School. Two Wightwick Fellows, and two Scholars, must be of his kindred or name; and one Fellow, and two Scholars, are to be chosen from Abingdon School.

Five Morley Exhibitions are in the nomination of the Dean and Jurats of Jersey and Guernsey, and are confined to natives of those islands.

Eight Townsend Exhibitions are confined to persons educated in the schools of Gloucester, Cheltenham, Campden, and Northleach; but, by a Statute of the College, confirmed by his Grace the Duke of Wellington, Visitor, in case no fitting Scholars can be found in these schools, the College may throw open the Exhibitions to persons educated in the county of Gloucester, and, in default of such, to any persons, wheresoever born or brought up.

One Exhibition, in the gift of the Master, is confined to the sons of Gloucestershire clergymen.

Two Exhibitions, founded by C. Boulter, Esq., are first to be offered to his kindred, and, in default of persons thus qualified, may be filled up by the Master and Fellows, as they shall think best.

Two are confined to persons holding Exhibitions given by the Governors of the Charter House.

Four small Exhibitions are usually held by the Bible Clerks. Two Exhibitions, founded by Francis Rous, and in the nomination of his representative, are intended for persons of his kindred; and, in default of such, for boys educated at Eton.

11. Is the restriction absolute? If not, has the College availed itself of any facilities which the Statutes allow for opening the Foundation?

11. The restriction in the case of the Wightwick kin Fellows and Scholars is absolute. In the case of the Tesdale Foundation the words are ambiguous, and Archbishop Laud's interpretation seems to have limited rather than increased the powers of the College. In Francis Wightwick's Fellowships there is an alternative of which the College has availed itself. King Charles's Fellowship is absolutely restricted, so is Sir John Phillips'. We have above stated what has been done respecting the Townsend Exhibition. The Morley Exhibitions are absolutely confined. The Cutler Boulter leave an alternative which is acted upon.

12. If the Statutes give a "preference" to certain candidates, how do you interpret such preference?

Preferences.

12. In the case of the Francis Wightwick Fellowships and Scholarships a *preference* is given to persons of the name or kindred of Richard Wightwick; but no such persons having appeared as Candidates, the College has not been called upon to decide this formally; but we conceive that if the merits of the preferred Candidate approximated to those of the unpreferred, the former would be elected.

13. Do you consider the present restrictions, if any, on the election of your Fellows, Students, Scholars, Demies, or the like, to be beneficial to the promotion of education or learning in the University, in your own Society, and in the particular place, school, or family, if there be any, which is supposed to be favoured by those restrictions?

13. All restrictions in the election of Fellows and Scholars are injurious to the University and to the College. To favoured places those restrictions bring little benefit; for instance, a native of Abingdon has *very* seldom been elected a Scholar of the College. To a School, such preference in the election to Scholarships and Fellowships may bring additional Scholars —to a family it is of pecuniary benefit, but having a tendency to cause persons to enter upon a

career not suited to their ability or inclination, it is often in effect rather injurious than beneficial to such persons. PEMBROKE COLLEGE.

14. Are your Fellowships, Studentships, Scholarships, Demyships, or the like, disposed of strictly according to merit? Is such merit tested by examinations? *The Tutors of Pembroke College.*

14. All that are at the disposal of the Society are strictly disposed of according to merit, tested by examination. Examinations.

15. What is the statutable connexion between your Fellowships and your Scholarships, Demyships, or the like? What is the practice in this respect?

15. This question has been answered above.

16. If your Fellowships are limited to those who are or have been Scholars, or the like, of your Society, has this system been found beneficial to the College?

16. It is very injurious to the College and to young men themselves to expect with any degree of certainty that they will become Fellows. No Scholarship ought to be held for more than five years, with a view to increase the number of persons educated, and to widen the field of competition.

17. Are the Fellows of your College obliged to proceed to the higher Degrees? If so, in what Faculties?

17. The Wightwick Fellows must proceed to the degree of B.D. One of Mrs. Sheppard's Fellows to the degrees of M.B. and M.D., the others to that of M.A. Higher Degrees.

18. Do your Statutes enjoin that your Fellowships, Studentships, Scholarships, or the like, be increased or diminished in number as the revenues of your College vary? Has such provision of the Statutes been acted upon? Do you conceive that the enforcement of such provision at the present time would be beneficial to the Society?

18. They permit it. This permission has not been acted upon, except when additional endowments have been given. The enforcement of such provision would certainly not be beneficial to the Society, the Fellowships being too small at present. Increase and diminution of Fellowships.

19. Do your Statutes contemplate the residence in College of any Undergraduates not on the Foundation? Do they forbid it? Will you quote the clauses in your Statutes on which such permission or prohibition rests?

19. They permit the residence in College of Undergraduates not on the Foundation.* Commoners.

20. What amount of property vacates a Fellowship, Scholarship, or the like, according to your Statutes? Is the rule enforced equally with regard to real and personal property? Do you conceive that the enforcement of such a rule at the present time would be beneficial to the Society?

20. Twenty pounds and ten pounds in the case of the Tesdale and Wightwick Fellows respectively. Mrs. Sheppard's Fellows lose their Fellowships only if they have 500*l.* a year in land. The rule is not enforced as regards personal property—we think the rule altogether bad; we do not need poor men, but able men. Property disqualification.

21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the Statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

21. The Head need not be in Holy Orders, but probably will always be so, as a Canonry of Gloucester is annexed to the Headship by Act of Parliament. All the Fellows and Scholars, with the exception of Mrs. Sheppard's Fellows, must enter into Holy Orders, and no dispensation is given. Clerical restrictions.

22. Are your Fellowships confined to persons of a certain University standing? Is the admission of Undergraduates to Fellowships, or the restriction of Fellowships to persons of particular degrees, productive of inconvenience?

22. The Tesdale Fellows must be Bachelors of Arts, and Mrs. Sheppard's Fellows must have passed their Examination for that degree. The Wightwick Fellows, on the original Foundation, may be Undergraduates; this permission is, we think, injurious both to the persons elected and to the College. Academical restrictions.

23. Are clergymen excluded from presenting themselves as candidates for your Fellowships? Are laymen?

23. No; Mrs. Sheppard's Fellowships excepted. Exclusions.

24. Are Fellows or other members on your Foundation allowed by Statute or other authority to hold ecclesiastical preferment? and, if so, to what amount?

24. No; but all Fellows, except Wightwick Fellows, may hold a living in Oxford with the permission of the Visitor; and all are allowed by Lord Westmoreland's Decree to hold livings elsewhere under a bond of resignation. Ecclesiastical preferments.

25. What statutable restrictions limit the selection of your Head?

25. He must be M.A. at least—thirty years of age—a present or late Fellow—or, in default of such, the College is directed to elect, first, from Balliol; then, from University College; then, from the University at large. Sir John Phillips' Fellow is not eligible to the office of Master. Election of Head.

26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

26. Eight; one given by King Charles I. in 1629; one by Sir John Phillips in 1749; four purchased from the accumulated proceeds of Mr. Phipps' estates between 1808 and 1832; one purchased by funds left by F. Wightwick, Esq., about the year 1800; one, by funds left by Dr. Smith, in 1831. There is a fund of about 1600*l.* now available for the same purpose. Benefices.

27. Are there any Prælectorships founded in your College for the benefit of the whole University? Are Fellowships connected with such Prælectorships? If so, do the Statutes allow any special liberty of choice in the Fellowships so connected?

27. No. Prælectorships.

* Such permission is implied in the following clauses from the Statute de Commensalibus seu Comminariis:—

"Statuimus ut commensales seu Comminarii propriis Impensis in collegio viventes fruantur commoditatibus publicis collegii . . . . cameras habebunt habitâ ratione gradus et senioritatis.

PEMBROKE COLLEGE.

28. Has the College the nomination to the Masterships of any Schools? What control does the College exercise over such Schools?

The Tutors of Pembroke College.

28. No.

29. Will you quote the clauses of your Statutes which set forth the powers and duties of the Visitor of your College? Has the Visitor ever interposed his authority to relieve the College from the observance of any of the Statutes, or to make new Statutes or Ordinances?

Visitor.

29. The powers of the Visitor, and the principal cases in which those powers have been exercised, have been already stated. The following clauses from the Statute de Visitatore Collegii define the powers of the Visitor:—

"Visitatoris erit dirimere, solvere, et dijudicare omnia dubia ad ipsum delata vel per magistrum et majorem partem sociorum vel per Vicemgerentem et duas tertias partes omnium sociorum. Illius erit in amotionibus magistri sociorum aut scholarium, si prius non acquiescant, determinare et concludere. Illius erit statuta dubia et obscura explicare."

The Visitor's sanction is also required to any additional Decrees which may be made by the Master and Fellows, not contrary to the Fundamental Statutes:—

"Decreta si opus sit addere, id fiet per magistrum Collegii et majorem partem sociorum *cum consensu Visitatoris*, modo non adversentur statutis fundamentalibus."—*Extract from the Statute, entitled, "De Statutorum executione, explanatione, lectione."*

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30. Are Gentleman Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari*? To what charges are they liable, beyond those borne by other independent members?

Gentleman Commoners.

30. We have no Gentleman Commoners.

31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

Exhibitions.

31. Eleven. These Exhibitions vary in annual amount from 15*l.* to 80*l.*, and their aggregate annual value is about 620*l.*

32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible Clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress? Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of Scholars?

Bible Clerks.

32. Two Bible Clerks. Their emoluments are sufficient, with economy, to pay their College bills and leave them a small surplus. They are selected from poor persons of considerable merit.

There were formerly Batellers, but what their emoluments were we know not, nor why they ceased to exist. The advantage of such Scholars is great, if they be men of vigour and talent; but we think it a serious evil for a man to be educated beyond his intellect, or raised to a station which neither his taste nor his abilities will enable him to adorn.

33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction?

Tutors.

33. Three Tutors. None. The Head of the College lectures in Divinity on Sundays and Saints' days, and four days in the week on Civil Law and Political Economy.

34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. No. Yes.

35. Is each Tutor expected to lecture on all subjects, or is there a division of subjects?

Lecturers.

35. One Tutor lectures on Mathematics exclusively. The subjects on which the Classical Tutors lecture are not formally divided, but practically; one Tutor usually lectures on Moral Philosophy and Rhetoric, the other on Logic, and both on matters of Scholarship.

36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. Lectures are given during about twenty-five weeks in the year, and the College Examinations occupy about two weeks more. The average number of Lectures given weekly is about fifty-two. About twelve attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra.

37. Are any members of the College required to attend any Professor's Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

Professors' Lectures.

37. No members of the College are *required* to attend Professors' Lectures—but almost *all* Candidates for honours *do* attend, and many others.

38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

38. Two on the Foundation, and three independent members.

39. Can you state how many undergraduate members of your Society are now reading with private Tutors?

Private Tutors.

39. About ten; but most of those only for a few weeks preparatory to the Public Examinations.

40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

Attendance at chapel.

40. The Statutes contemplate attendance twice daily, unless permission of absence be obtained for some reasonable cause. Attendance is actually enforced twice on Sunday, and once every other day; but some Undergraduates attend more frequently than they are required to do by the above regulation. Additional attendance is sometimes enforced as a punishment for neglect of due attendance.

41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in chapel, and instruction given in other ways?

Religious instruction.

41. Lectures are given on the Greek Text of the New Testament, and on the History of the Old and New Testaments—on the Thirty-nine Articles—occasionally, on other subjects,

as Pearson on the Creed and Butler's Sermons. No Sermons are at present delivered in Chapel.

42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

The Tutors of Pembroke College.

Expenses.

42. The highest amount of the Battels of an independent member of the College in the year 1849 was 115*l.* 13*s.* The lowest Battels of an independent member for the same year amounted to 55*l.* 1*s.* 6*d.* The average yearly amount of the Battels of independent members, we believe to be about 85*l.* or perhaps somewhat less. The above Battels include, in addition to the usual items, washing, coals, and all the expenses incurred by the private parties of Undergraduates, except wine parties.

43. Will you have the goodness to supply the Commissioners with a weekly Battel Bill of the average amount, and with a quarterly Battel Bill for each of the four quarters of 1849, also of the average amount?

43. We have annexed a weekly Battel Bill of the average amount. The following are the amounts of about the average quarterly Battels for the year 1849:—

St. Thomas's Quarter.

Battels	£20	0	6 *
Laundress	1	6	1
Coals	1	15	0
	£23	1	7

Lady-Day Quarter.

Battels	£19	14	5
Coals	1	18	0
Laundress	1	11	2
	£22	13	7

Midsummer Quarter (to May 18).

Battels	£14	18	11
Coals	0	7	8
	£15	6	7

Michaelmas Quarter.

Battels	£14	5	6
Laundress	1	6	7
Glazier	0	1	6
	£15	13	7

PEMBROKE COLLEGE.

MR. . BATTELS *for the Week ending November* 28, 1850.

—	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	—
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	£. *s. d.*
Buttery.—Bread, Butter, Cheese, Ale, &c. . .	1 8¾	0 9½	0 11½	1 8¾	0 7¾	0 11½	1 0½	0 7 10
Cook's Bill . .	..	..	..	..	..	..	..	0 19 5
Weekly Dues . .	.	.	.	.	.	.	.	0 2 6
Janitor . . .	.	.	.	.	.	.	.	..
Letters . . .	.	.	.	.	.	.	.	0 0 3
Messenger . .	.	.	.	.	.	.	.	..
							£	1 10 0

44. What is the lowest yearly sum for which you have known an Undergraduate to live in your Society? What is the lowest amount which you have known an Undergraduate to expend from his matriculation to his graduation?

44. About 66*l.* This sum includes all College Bills, and all other expenses in Oxford. Total expense from Matriculation to Graduation about 300*l.*, which sum includes Travelling Expenses, Furniture, Degree Fees, and all other expenses in Oxford, except the cost of Books, which increases the total amount by about 25*l.*

45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

45. We do not think that the College expenses can be materially diminished.

46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

46. The College Library is open, twice a week, to all members of the College, when they are allowed to take out such books as they require. Every Undergraduate pays to the Library 1*l.* 1*s.* on entrance, and 1*l.* 1*s.* annually.

47. What number of Undergraduates is your College capable of accommodating?

47. About sixty-five.

THOMAS F. HENNEY, M.A., *Vicegerent and Tutor.*
E. EVANS, M.A., *Fellow, Tutor, and Dean.*
BARTHOLOMEW PRICE, M.A., *Fellow, Tutor, and Mathematical Lecturer.*

Pembroke College, Oxford, February 3, 1851.

* In the Battel bills, as sent in to Undergraduates, the various sums which constitute the above amount, as room-rent, tuition, kitchen account, &c., are specified.

WORCESTER COLLEGE.

WORCESTER COLLEGE.

Rev. R. E. Cotton, D.D., Provost of Worcester.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

MY LORD, *Worcester College, October* 30, 1850.

I BEG to acknowledge the receipt of a letter from your Lordship, accompanied by a copy of Her Majesty's Commission for inquiring into the State of the University of Oxford.

I have the honour to be,

My Lord,

Your Lordship's obedient servant,

R. E. COTTON,

The Right Rev. the Lord Bishop of Norwich. *Provost of Worcester College.*

THE HALLS.

ST. MARY HALL.

ST. MARY HALL.

To Letter I. of Her Majesty's Commissioners the following Answer was received :—

Rev. Philip Bliss, D.C.L., Principal of St. Mary Hall.

THE Principal of St. Mary Hall begs to acknowledge the receipt of a copy of Her Majesty's Commission for visiting the University and Colleges of Oxford, together with the official letter by which it was accompanied, and to thank the Members of Her Majesty's Commission for the attention.

To Letters II. and III. of Her Majesty's Commissioners the following Answers were received :—

SIR, *St. Mary Hall, Oxford, May 7*, 1851.

Rev. D. P. Chase, Vice-Principal of St. Mary Hall.

I HAVE the honour to acknowledge the receipt, by yesterday's post, of your letter, together with copies of Questions issued by Her Majesty's Commissioners for the University of Oxford.

As it appears probable that the legality of the Commission will be brought under judicial decision, I trust I shall not be acting disrespectfully towards Her Majesty's Commissioners, if I delay to furnish any information or express any opinions on the points to which their questions are addressed; which I should otherwise gladly avail myself of this opportunity of doing.

I have the honour to be,
Sir,
Your obedient humble servant,
D. P. CHASE,
Vice-Principal of St. Mary Hall.

The Rev. A. P. Stanley,
Secretary to the Oxford University Commission.

MAGDALENE HALL.

MAGDALENE HALL.

To Letter I. of Her Majesty's Commissioners the following Answer was received :—

J. D. Macbride, Esq., D.C.L., Principal of Magdalene Hall.

MY LORD, *Oxford, October 28*, 1850.

I HAVE received a letter from your Lordship in the name of the Commissioners for inquiring into the State of the University of Oxford, expressing a hope that I will assist them in executing Her Majesty's commands by furnishing such information as may be in my power. I beg in reply to state, that I consider it my duty to comply with this request.

I have the honour to be,
My Lord,
Your Lordship's obedient servant,
J. D. MACBRIDE,
*Principal of Magdalene Hall.**

To the Lord Bishop of Norwich.

To Letters II. and III. of Her Majesty's Commissioners the following Answers were received :—

Question 1. The amount of your corporate revenues and their specific application.

Revenues.

1. The Hall, not being incorporated, has no corporate property. The property real and personal, which it possesses, is held in trust for it by the Chancellor, Masters, and Scholars of the University.

Question 4. The emoluments of the Headships, of the several Fellowships, Studentships, Scholarships, Demyships, or the like.

Headship.

4. There are no Fellowships (incorporated), Scholarships, Demyships, or the like. The emoluments of the Headship are as follows:—

	£.	s.	d.
Left by the Rev. Dr. White, 1621, per year . . .	4	0	0
Dividend in funds originally belonging to Hereford College .	17	9	0
Librarian's salary from ditto.	35	4	4
	56	13	4
Land at North Moreton, Berks	10	0	0
	£66	13	4

The rest of the income is derived from fees, principally from the room-rent of 43 sets of rooms.

A benefice, South Moreton, Berks, producing I believe about 100*l.*, after paying the curate, with a good house, was left to the Principal; on his declining it, to the Vice-Principal; and if he passes it, to the Senior Master. Since my time it has been held by Mr.

* For Dr. Macbride's general Evidence, see Part I., p. 219, for his Evidence as Lord Almoner's Reader, see Part II., p. 280.

MAGDALENE HALL.

J.D. Macbride, Esq., D.C.L., Principal of Magdalene Hall.

James, who was formerly Vice-Principal, and is non-resident. This patronage is bad for the parish, and unsatisfactory to the Hall; and I wish that an Act of Parliament could be obtained to sell it and vest the produce in the funds, that the interest might be for ever appropriated in some way beneficial to the Hall.

There are the following exhibitions:—

Exhibitions.

Dr. White left 40*l.* to give 8*l.* a-year to five students. The Rev. Mr. Meek left, in 1665, 147*l.* for Exhibitions of 10*l.* each to Scholars educated at Worcester College School. The Rev. Dr. Brunsel, 1677, left 24*l.* to be divided among three Exhibitioners.

The Rev. Mr. Lucy, 1725, left 55*l.* to be divided among five scholars for *eight* years, from Hampton Lucy School.

This school has long ceased to exist. The money is paid me through the Court of Chancery. I give it out in Exhibitions according to my own discretion, as well as Dr. White's, and also Mr. Meek's when there are no applications from Worcester School. But I think it better to make them all 20*l.*; and to two, who act as Bible Clerks, I give 30*l.* each.

In 1830 Mr. Lusby left lands, the rent to be appropriated for the benefit of the Society in any way that the Principal and the President of Magdalene College should determine. The President agreed to my proposal to found three Exhibitions to last three years, so that one should become vacant every year; and it is open to competition to Undergraduates of not above two years' standing, or to persons still at school, without any restriction as to place of birth, parentage, or pecuniary circumstances.

Statutes of Halls.

As the printed Questions sent to me are put for the purpose of ascertaining the duties and state of the Heads and Fellows of Colleges, those from 1 to 29 rarely apply at all to Halls. The Commissioners are of course aware that they are nominally governed by the Statuta Aularia, which are printed in the Laudian Code, and were revised and re-enacted by Convocation, March 6th, 1835. No change was made in them of any importance, it consisting entirely in the omission of specific fines, and minute regulations as to the days and subjects of lectures. Magdalene Hall (and I presume the others) had ceased to be governed by them; even the revised code is a dead letter, and the Society is governed by the Principal at his own discretion, with a due submission to the University Statutes, and no others seem to be required.

Question 5. In what cases is the non-residence of your Head or your Fellows permitted by the Statutes, and how many of your Fellows are non-residents? Would the University or the College be benefited, in your opinion, by the general enforcement of residence?

Residence of Head.

5. "Quod nullus Principalis ab Aulâ se absentet ultra unum mensem in aliquo termino nisi ex causâ rationabili per Dominum Cancellarium ejusve Vice-Cancellarium primitus approbanda; sub pœna censuræ si diuturnitas temperis et absentiæ incommodum id requirat arbitrio Cancellarie infligendæ."—*Extract from the Aularian Statutes.*

Question 6. Is the marriage of the Head of your College permitted by the Statutes? If not, by what authority is such permission granted? Is that permission applicable to any other Members of the Foundation, besides the Head?

Marriage of Head.

6. There is no prohibition of marriage to a Principal in the Aularian Statutes.

Question 21. Is the Head of your Society statutably required to enter into Holy Orders? How many of your Fellows, Students, or the like, are subject to the same rule? If the Statute be not observed, on what authority does the non-observance or dispensation rest? Is the obligation to enter into Holy Orders expressly laid down by Statute, or is it deduced from an injunction to study theology, from an injunction to discharge clerical duties now disused, or from any other like provision?

Clerical restrictions.

21. The Head is not required to enter into Holy Orders.

Question 25. What statutable restrictions limit the selection of your Head?

Election of Head.

25. "Statutum est quod ad Regimen Aularum assumantur viri matura, ætate, et morum gravitate venerandi saltem Magistri in Artibus vel in Jure aut Medicina Baccalauria qui ad nominationem Domine Cancellarii ab Aularibus eligantur, et per Vice-Cancellarium ad præfecturam et regimen admittentur."—*Extract from the Aularian Statutes.*

Question 26. How many benefices in the gift of your Society have been added since the original Foundation? Will you state at what time and in what manner each was acquired? Have you at present a fund for the purchase of advowsons?

Benefices.

26. The rectory of South Moreton, is the only benefice belonging to the Society. In 1711 Charles Palmer, M.D., left to it the alternate presentation of Finehampton, which was exchanged for this advowson by an agreement between the then Principal and the Rev. Elliot St. John, confirmed by a private Act of Parliament, 1755.

Question 30. Are Gentleman Commoners in your Society called upon to pass the same examination at entrance as other persons? Do they follow the same course of studies, and are they subjected to the same discipline, as other persons in *statu pupillari*? To what charges are they liable, beyond those borne by other independent members?

Gentleman Commoners.

30. There is no formal examination at entrance. Gentleman Commoners follow the same course of studies, and are subjected to the same discipline, as others in statu pupillari. They are not liable to more charges than Commoners, but the rate of room-rent, tuition, &c., is higher.

Question 31. Can you state how many members of your Society receive assistance from Exhibitions or the like, not in the gift or under the administration of your Society? What are the sources and what is the amount of the assistance so received?

Exhibitions.

31. Five or six Undergraduates receive Exhibitions, varying in value from 10*l.* to 50*l.* per annum each, from the London Guilds, and about the same number similar sums from School or County Exhibitions.

Question 32. How many persons are supported, wholly or in part, in your Society as Batellers, Servitors, Bible Clerks, or the like? What are their duties, and what are their stipends or other emoluments or immunities? How are they chosen? Are they marked by any particular dress?

Was the number ever greater? If so, can you state why it has been reduced? What do you consider to be the advantage or disadvantage of such a body of Scholars? — MAGDALENE HALL.

32. I assign, out of the Exhibition money, 30*l.* each to two Bible Clerks, who are not marked by any particular dress. — *J. D. Macbride, Esq., D.C.L., Principal of Magdalene Hall.*

Question 33. How many Tutors are there in your Society? How many Lecturers, Catechists, or other Instructors, who are not Tutors? Does the Head of your Society take any direct part in the instruction? — Bible Clerks.

33. There are two Tutors and no other Lecturers, &c. The Head has ceased, for above ten years, to take any direct part in the instruction. — Tutors.

Question 34. Are there any Tutors in your Society who are not or have not been on the Foundation? Do they all reside within the walls?

34. There are none.

Question 35. Is each Tutor expected to lecture on all subjects; or is there a division of subjects?

35. The Tutors divide the instruction according to their own judgment.

Question 36. During how many weeks in the year are Lectures given in your Society? Will you state the average number of Lectures given weekly, and the subjects? How many Undergraduates attend Mathematical Lectures beyond Arithmetic and the Elements of Euclid and Algebra?

36. Lectures are generally given during twenty-seven weeks. Thirty-three are given weekly— on the Greek Testament; on the XXXIX Articles; Arithmetic; Algebra; Euclid; and on the Greek and Latin Classics as Homer and the Tragedians, and Histories, Demosthenes, Aristotle, Virgil, Horace, Cicero, and Livy. — Lectures.

Question 37. Are any members of the College required to attend any Professors' Lectures, and are any means adopted by the College to secure profitable attendance, by examination or otherwise?

37. The Members have not hitherto been required to attend any Professors' lectures. — Professor's Lectures.

Question 38. Can you state how many members of your Foundation and how many independent members of the Society are engaged as private Tutors?

38. There are at present four private Tutors. — Private Tutors.

Question 39. Can you state how many undergraduate members of your Society are now reading with private Tutors?

39. Fourteen. They generally read with private Tutors but a short time.

Question 40. What attendance at Chapel is required by your Statutes? What attendance is actually enforced? and by what means? Is attendance at Chapel ever enforced as a punishment?

40. The attendance upon Chapel is very creditable to the members, as it is not enforced. It is understood that each should attend at least once a day; but many miss prayers only occasionally. Attendance is never required as a punishment. — Attendance at Chapel.

Question 41. What is the nature and extent of religious instruction given in your Society, distinguishing Lectures and Sermons delivered in Chapel, and instruction given in other ways?

41. There are no Lectures or Sermons delivered in chapel, and no other religious instruction given except in the course of the weekly teaching. — Religious instruction.

Question 42. What is the average amount of the "Battels" of each independent member of your Society? What was the highest and what was the lowest amount in the year 1849?

42. The following are the highest and the lowest battels of each quarter of 1849:— — Expenses.

£.	s.	d.	£.	s.	d.
27	6	8	16	4	5
21	16	0	13	3	0
15	4	0	11	9	0
27	2	6	15	2	8
£91	9	2	£55	19	1

The difference in expense is probably caused in a great degree by the one keeping a shorter residence; sometimes, perhaps, by having occasionally a friend as a guest at dinner. The charge for dinner is 1*s.* 6*d.* a head.

Question 45. Do you conceive that the College expenses could be materially diminished? If so, will you state in what respects?

45. I do not conceive that the expenses could be materially diminished.

Question 46. Is the College library open to all members of the College, and what fees are paid to the library by each member?

46. The Library is open to all members of the Hall, and Graduates, if they wish, are allowed to have books with them out of Oxford. Each member pays 1*l.* as an entrance fee, and the same sum on taking the degree of M. A., which are laid out in increasing the collection. — Library.

Room-rent is to Commoners 12*l.*; to Gentleman Commoners 16*l.* Tuition is to the former 12*l.*; to the latter 21*l.*

Magdalene Hall can accommodate 43 members. — Members.

J. D. MACBRIDE,
Principal.

NEW INN HALL.

NEW INN HALL.

To Letter I. of Her Majesty's Commissioners the following Answer was received:— — *Rev. H. Wellesley, M.A., Principal of New Inn Hall.*

MY LORD, *New Inn Hall, Oxford, October* 28, 1850.

I HAVE the honour to acknowledge the receipt of your Lordship's communication dated the 21st instant, and beg leave to return your Lordship my best thanks for the copy therewith transmitted, of Her Majesty's Commission, for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford.

I have the honour to be,
My Lord,
Your Lordship's faithful servant,

The Right Rev. the Lord Bishop of Norwich. H. WELLESLEY.

St. Alban's Hall.

ST. ALBAN'S HALL.

Rev. E. Cardwell, D.D., Principal of St. Alban's Hall.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

My Lord, *St. Alban's Hall, October* 28, 1850.

I have had the honour of receiving two copies of the Commission for inquiring into the State, Discipline, Studies, and Revenues of the University and Colleges of Oxford, the one addressed to me as Principal of St. Alban's Hall, the other as Professor of Ancient History, together with two letters bearing your Lordship's signature, and expressing a hope that I will assist the Commissioners in executing Her Majesty's commands, by furnishing such information as may lie within my power.

I beg to assure your Lordship, that in neither of these two capacities have I any unwillingness to give the Commissioners any information which may reasonably be required from me.

As Principal of St. Alban's Hall, however, I beg most respectfully to observe, that the warrant, of which I have received a copy, does not appear to convey to the Commissioners any authority for inquiring into the condition of the Halls of Oxford. Your Lordship is well aware that the word Colleges, when used alone, with reference to this University, either in the language of our Statutes or in common parlance, does not comprehend Halls, but excludes them.

As Professor of Ancient History I will readily comply with the desire of the Commissioners.*

I have the honour to be,
My Lord,
Your Lordship's most obedient faithful servant,
EDWARD CARDWELL.

The Lord Bishop of Norwich, &c. &c. &c.

To Letters II. and III. of Her Majesty's Commissioners the following Answer was received:—

Sir,

I have had the honour of receiving from you, as Secretary to the Oxford University Commission, two papers of Questions, one of them containing forty-seven Questions, and the other five. They are addressed to me as Principal of St. Alban's Hall.

On a similar application made to me by the Lord Bishop of Norwich in October last, "I begged most respectfully to observe that the warrant of which I had received a copy did not appear to convey to the Commissioners any authority for inquiring into the condition of the Halls of Oxford."

As however I have now received a second application, and have no doubt that the word "Halls" would have been included in the warrant, had the distinction between Colleges and Halls been properly considered, I will readily supply the information required from me, so far as the Questions are applicable to the case of St. Alban's Hall.

Statutes of Halls.

The Hall is governed by Statutes enacted by Convocation, and published in the "Corpus Statutorum" under the title of "Statuta Aularia." The Principal of the Hall is forbidden to be absent for more than a month in any term without licence from the Chancellor or the Vice-Chancellor. The Principal may marry. He is not required to enter into Holy Orders. He is nominated by the Chancellor and elected by the Society, being "vir ætate matura et morum gravitate venerandus, saltem Magister in Artibus vel in Jure aut Medicina Baccalaureus." There is no foundation or endowment or patronage of any kind.

Gentleman Commoners.

Gentleman Commoners are treated in all respects like Commoners, except that in their case the caution, the fee to the repair fund, and the charges for tuition and for servants are somewhat larger.

Exhibitions.

I am not aware that any members of the Hall of late years have received assistance from Exhibitions, or the like, except where they have had benefactions from myself.

Lectures.

There are no Servitors, Bible Clerks, or the like. The Vice-Principal is the only Tutor.

Attendance at Chapel.

The Principal lectures twice a week on the Greek Testament or the Thirty-nine Articles. Attendance at prayers is required every morning, and is enforced by reproof, but is never itself made a punishment.

Expenses.

The average amount of Undergraduates' battels for the year 1849 (including tuition, washing, and coals) was 102*l.* 14*s.* 2*d.* The expenses cannot be materially diminished, unless the number of students should be greatly increased.

There is no library.

The Hall can accommodate twelve Undergraduates.

A specimen of the quarterly battels is sent herewith. [See next page.]

Emoluments of the Headship.

The emoluments of the Headship for the year 1850 were 97*l.*, of which 42*l.* arose from the rent of rooms and 55*l.* from fees.

I have the honour to be, Sir,
Your obedient faithful servant,
EDWARD CARDWELL.

To the Rev. A. P. Stanley, &c. &c., Oxford University Commission.

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* For Dr. Cardwell's general Evidence, and Evidence as Professor of Ancient History, see Part II., p. 264.

ST. ALBAN'S HALL.

ST. ALBAN'S HALL.

Rev. E. Cardwell, D.D., Principal of St. Alban's Hall.

Mr.

For the Quarter ending Lady-day, 1850.

	£.	s.	d.
Battels	14	3	11½
Room-rent	3	0	0
University dues	0	2	9
Hall dues	1	8	0
Public taxes	0	0	0
Servants	2	9	2
Letters	0	1	9
Coals, &c.	3	3	0
Washing	1	5	0
Tuition for the term	5	12	0
	£31	5	7½

Tuition for the year is 16 guineas.

ST. EDMUND HALL.

ST. EDMUND HALL.

Rev. Wm. Thompson, M.A., Principal of St. Edmund Hall.

To Letter I. of Her Majesty's Commissioners the following Answer was received:—

MY LORD, *St. Edmund Hall, Oxford, November* 12, 1850.

I BEG to acknowledge the receipt of a letter from your Lordship on the part of Her Majesty's University Commissioners, requesting me to furnish them with such information as may be in my power.

I am not aware that I could assist them by any except such as relates to my office as Principal of this Hall.

I have the honour to be,
My Lord,
Your Lordship's most obedient servant,
WILLIAM THOMPSON.

To the Lord Bishop of Norwich.

To Letters II. and III. of Her Majesty's Commissioners the following Answer was received:—

SIR, *St. Edmund Hall, Oxford, May* 16, 1851.

I BEG to acknowledge the receipt of your communication, dated May 3rd. I find a duplicate of those Heads of Inquiry has been sent to the Vice-Principal of this Hall, who has shown me his answers. As my own answers would be similar to his, I think it needless to trouble you with a repetition of them.

I have the honour to be, Sir,
Your obedient humble Servant,
WILLIAM THOMPSON,
Principal of St. Edmund Hall.

REV. SIR, *St. Edmund Hall, Oxford, May* 16, 1851.

Rev. John Hill, B.D., Vice-Principal of St. Edmund Hall.

I ENCLOSE answers to such of the Questions sent by you on behalf of Her Majesty's Commission as are relevant to St. Edmund Hall.

I am happy to communicate information, but trust I shall not be considered, by so doing, to imply any judgment as to the nature or expediency of the Commission.

I am, Rev. Sir,
Your faithful servant,
JOHN HILL,
Vice-Principal St. Edmund Hall.

Rev. A. P. Stanley,
Secretary to the Oxford University Commission.

Answers from the Rev. John Hill, B.D., Vice-Principal of St. Edmund Hall, Oxford.

1. ST. EDMUND HALL is governed, in common with the other Academical Halls, by the "Statuta Aularia," except so far as relates to the appointment of the Principal. It has also certain regulations agreed on by the Principal and Vice-Principal . . . . to be subscribed by every Member on his admission to that Society, a copy of which accompanies this. Statutes.

[Questions 2 to 29 have no relation to this Society.]

30. The admission of Gentleman Commoners is not prohibited; but it has been so constantly discouraged by the Principal and Vice-Principal that none have been admitted during the last 25 years. Gentleman Commoners.

31. One of the resident Undergraduates of St. Edmund Hall receives from the Trustees of the Cholmondeley Charities an Exhibition of 30*l.* a-year, and one or two have Exhibitions of smaller amount from some of the mercantile companies of London. Exhibitions.

St. Edmund Hall.
Rev. John Hill, B.D.

32. There is one Bible Clerk. His duties are to read the first lesson in the daily service in chapel; to make a return of the absentees from chapel; to ask a blessing and return thanks before and after dinner; to keep an account of books taken from and returned to the library of the Hall; and to draw up testimonials under the direction of the Principal or Vice-Principal.

Bible Clerk.

The stipend of the Bible Clerk arises from a small quarterly fee, charged upon each Undergraduate and other resident Members, together with an Exhibition (the only one possessed by St. Edmund Hall) of 5*l.* 12*s.* 6*d.* per annum; the whole annual amount varying from 40*l.* to 45*l.* There are also some small immunities, which diminish the amount of his battels by about 5*l.* yearly.

The Bible Clerk is chosen by the Principal. He wears a Scholar's gown.

Tutors.

33. The Vice-Principal acts also as Tutor.

34. The Vice-Principal does not reside within the walls.

35. Necessity compels the single Tutor to attempt everything.

Lectures.

36. Lectures are given during not less than 24 weeks, generally 25, sometimes 26 weeks in the year. The average number of lectures given weekly is 20 or 22. The subjects are: the Greek Testament, the Old Testament, the Articles of Religion, Latin and English Composition, Latin Translation, two Greek Authors (Historians, Orators, or Poets), one, or sometimes two Latin Authors, a Treatise of Aristotle, and (alternately) either Logic, or Euclid and Algebra. There is not any class in the higher branches of Mathematics.

37. Attendance on the lectures of Professors is occasionally recommended, but not required.

Private Tutors.

38. None of the Members are engaged as Private Tutors.

39. Three or four of the Undergraduates are reading with Private Tutors.

Attendance at Chapel.

40. The regulations of the Hall do not allow of absence from chapel above three times in the week. This rule is enforced, except in cases of illness or other emergency. Remonstrance is generally found sufficient to correct irregularity; if not, a literary exercise is imposed. Those who absent themselves on Sunday, or on any season for which a special service or collect is appointed, are liable to an exercise of the same nature.

Attendance at chapel is never enforced as a punishment.

Religious instruction.

41. A sermon is delivered in the chapel once in each term, which is attended by all the Members in residence.

A lecture on some part of the Gospels, Acts, or Epistles is delivered twice in each week, which is attended by all resident Bachelors of Arts and Undergraduates.

A lecture is delivered weekly on the Old Testament.

Another, also, once a-week on the Thirty-nine Articles.

These two are attended by all Members who have not yet passed their final examination.

Expenses.

42. The average amount of the battels of those who resided in the Hall through the four terms of the year 1849 was 32*l.* The average amount of the charges for room-rent, tuition, University dues, domus, and other fees was 36*l.*, making the average yearly amount of the entire College bills 68*l.*

The highest amount of the bills of any one Member during the year 1849 was 80*l.* 0*s.* 5*d.*, the lowest was 60*l.* 18*s.* 7*d.*

43. An average weekly battel bill, and four quarterly bills for 1849, accompany this statement.

44. One or two of the Members who have recently graduated have not exceeded 240*l.* in the amount of their College bills during the four years of their residence, inclusive of caution money, admission fees, furniture of rooms, and fees on taking the Degree. Several have kept the whole of the academic expenses from matriculation to graduation (comprehending both College bills and private expenses, except clothing and travelling) within 380*l.*

45. I am not aware of any method (unless it be of an eleemosynary character) by which the necessary expenses can be reduced.

46. Each resident Member is allowed to have two books at a time out of the library.

A fee of 1*l.* 1*s.* for the library is paid by each Member at entrance; 10*s.* 6*d.* by each person admitted B.A., and 1*l.* 1*s.* on taking any higher Degree.

47. St. Edmund Hall is capable of accommodating 27 Undergraduates.

JOHN HILL, B.D., *Vice-Principal.*

May 16, 1851.

Regulations for St. Edmund Hall.

Regulations agreed on by the Principal and Vice-Principal of St. Edmund Hall, in the University of Oxford, to be subscribed by every Member on his admission to that Society.

1. Every Member must either reside through the whole Term, or keep such a part of it as the Vice-Principal shall appoint.

2. No Member is allowed to battel more than 25*s.* per week, without leave from the Principal or Tutor.

3. The resident Members in rotation are to order dinner in the absence of the Vice-Principal, and every person in residence is to be charged 1*s.* 6*d.* towards the dinner so ordered.

4. No Member shall go out of College without having previously obtained leave of absence from the Principal or Vice-Principal.

5. Bills will be made out at the expiration of every quarter, and no gentleman may leave College until the account of the last quarter be discharged.

6. The cook is authorized to cross the name of any gentleman who neglects to settle his account within one month after he has received it.

7. Absence from chapel, except in cases of illness, or for any other reason admitted by the Principal or Vice-Principal, will be censured as follows:—

Every omission after the third, in one week, will incur a literary exercise. Those who absent themselves from prayers on Sunday, or on any season for which an appropriate Service or Collect is appointed, will likewise be subject to an exercise of the same nature.

8. No Member is allowed to take more than two books out of the library at a time, or to leave College without returning to the Librarian the books for which he is accountable.

9. No removal into the rooms of absent Members will be suffered, without special leave from the Principal or Vice-Principal for that purpose.

10. The Hall-gate is shut every night at 10 o'clock. Admittance after that hour is reported to the Principal. The porter's fee for attendance is one penny after 10, sixpence after 11, and one shilling after 12 o'clock.

Admittance after 12 o'clock will likewise be followed, in the first instance, by a severe literary punishment; and in the second, by the loss of the term.

From those who are admitted after 11 o'clock, besides the porter's fee, a literary exercise will also be required.

This rule applies likewise to the case of strangers going out from the rooms of any Member. The person whose rooms they have left becomes subject to the same animadversion.

11. Non-attendance at lecture, or at the Hall exercises, will in no case be allowed, unless leave of absence has been previously obtained.

12. Every person in tuition is required to deliver to the Vice-Principal, on Monday, an account in writing of one, at least, of the discourses which he has heard the preceding day.

13. Testimonials for Holy Orders are not granted by the Principal and Vice-Principal to any Undergraduate, except after the completion of all the public exercises required of Undergraduates by the University, upon the expectation and promise of proceeding to a Degree, and with an assurance from the Bishop to whom the testimonials are addressed that such a candidate will not be rejected on account of his not being a Graduate, or of sufficient standing in the University.

14. Every Member is expected to pay tuition and room-rent during the first four years or sixteen terms after his admission.

15. The Principal in letting the rooms reserves to himself the power of accommodating others with the use of them during the absence of the tenants, requiring a solemn assurance that very great care shall be taken of the furniture, and that a proper compensation shall be made for any damage it may sustain.

16. One-third of the caution-money is to be applied to the support of the buildings of the Hall, and the remainder must be detained in the hands of the Principal so long as the name of the person by whom it is deposited shall be continued in the buttery-book.

Term, .

I, , hereby solemnly promise and declare that I will submit to the above regulations, and to all the discipline of St. Edmund Hall, of which I am about to be admitted a Member; and that I will be obedient to the Principal and Vice-Principal in all lawful commands.

Witness my hand this day of , in the year of our Lord God one thousand eight hundred and .

Mr. ——

1849, March 1.

St. Edmund Hall.

Lent Term Quarter.

Battels of St. Edmund Hall.

	£.	s.	d.
Rent and Government	3	0	0
Chaplain	0	3	6
Bible Clerk	0	6	0
Battels and Dues { £8 11 6 / 1 5 0			
	9	16	6
Bed-maker	0	12	0
Domus	0	7	6
Tuition	3	3	0
	17	8	6

St. Edmund Hall.

Rev. John Hill, B.D.

Battels of St. Edmund Hall.

Mr. ——

1849, March 1.

St. Edmund Hall.

Easter Term Quarter.

	£.	s.	d.
Rent and Government	3	0	0
Chaplain	0	3	6
Bible Clerk	0	6	0
Battels and Dues — £9 3 0; 1 16 8			
	10	19	8
Bed-maker	0	12	0
Domus	0	7	6
Tuition, Easter and Act Terms	6	6	0
	21	14	8

Mr. ——

1849, September 1.

St. Edmund Hall.

Act Term Quarter.

	£.	s.	d.
Rent and Government	3	0	0
Chaplain	0	3	6
Bible Clerk	0	6	0
Battels and Dues — £3 3 8			
Assessed Taxes — 0 15 9; 0 5 9			
	4	5	2
Bed-maker	0	12	0
Domus	0	7	6
	8	14	2

Mr. ——

1849, December 1.

St. Edmund Hall.

Michaelmas Term Quarter.

	£.	s.	d.
Rent and Government	3	0	0
Chaplain	0	3	6
Bible Clerk	0	6	0
Battels and Dues — £7 17 10; 1 8 5			
	9	6	3
Bed-maker	0	12	0
Domus	0	7	6
Tuition	3	3	0
	16	18	3

Mr. ——

St. Edmund Hall, Oxford.

Battels for the Week ending May 15th. 1851.

	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday	Thursday.	£.	s.	d.
Breakfast — Bread, Butter, Milk, Cream, &c.	½d.	½d.	½d.	½d.	½d.	½d.	½d.	0	0	3½
Breakfast — Meat, Fowl, Eggs, &c.	6d. 6d.	6d.	6d.	6d.	6d.	6d.	6d.	0	4	0
Luncheon	..	..	..	6d.	6d. 6d. 4d.	..	..	0	1	10
Dinner — Meat, Vegetables, Soup, &c.	1s. 6d.	1s. 6d.	1s. 6d.	1s. 6d.	1s. 6d.	1s. 6d.	1s. 6d.	0	10	6
Dinner — Bread, Cheese, Beer, Porter, &c.	1d.	1d. 6d.	2d. 1d.	1d. 6d. 6d.	1d.	1d.	1d.	0	2	3
Dinner — Pastry, &c.	..	..	..	4d.	..	..	..	0	0	4
Dinner — Decoraments	..	..	..	..	..	..	7d.	0	0	7
Tea	½d.	½d. 4d.	½d.	½d.	½d.	½d.	½d.	0	0	7½
Supper	..	..	..	..	..	..	..	..		
Coals and Wood	2s. 8d.	..	..	..	..	..	..	0	2	8
Letters	..	..	..	..	..	..	..	..		
Porter's Fees	..	..	1d.	..	..	..	..	0	0	1
Sundries	..	..	..	..	..	..	..	..		
Total	..	..	..	..	..	..	..	1	3	2

SUPPLEMENT TO THE EVIDENCE FROM LINCOLN COLLEGE.

Rev J. L. Kettle, M.A., Fellow of Lincoln College.

Answers from J. L. Kettle, Esq., M.A., Fellow of Lincoln College.

MY LORD AND GENTLEMEN, 2, *New Square, April 20th,* 1852.

I CONSIDER it my duty to send you the enclosed copy of the judgment recently delivered by the Bishop of Lincoln on certain appeals which had been made against the late election of a Rector of Lincoln College, and I respectfully beg to call your attention to the observations his Lordship has appended to his decision.

As appellant I had stated that discreditable and corrupt practices had prevailed at the election, and I had supported this charge by a letter offering to prove on oral and written testimony—Firstly, that previously to the election certain of the Fellows had determined to elect no one Rector, whose election would not give promotion to themselves. Secondly, that they had, both by letter and in conversation, pronounced the gentleman they afterwards elected decidedly incompetent and most unfit for the office. Thirdly, that they had, by public College testimonials and by private certificates of the most extraordinarily eulogistic kind, shown that they considered other gentlemen, formerly Fellows, but possessing no College living, to be not merely fit for the office of Rector, but *preeminently* qualified to discharge its duties with the highest credit to the College and to themselves. Fourthly, that after the election, when taxed with corruption, they had not denied the charge, but had in writing maintained that they had a right to prefer an incumbent, as such, to a non-incumbent.

I further suggested that the Fellows should at all events be asked to explain on what grounds they preferred a person of whom they had written and spoken so depreciatingly to others of whom they had on serious and important occasions expressed such opposite opinions, and I defied them to mention any shadow of a reason, except the simple one that Mr. Thompson had a College living to vacate, and the other gentleman had not. I furnished the Visitor with copies of all the letters on which my charge rested, and he made some investigation into the matter, though I know not exactly what course he pursued, but his judgment shows that he considered the accusations I had brought *were not refuted,* as is further proved by a letter he wrote to me, saying that he "considered the circumstances connected with the election to have been such as fully justified the appeal."

It would be beside my present purpose to point out that if I had proved my case sufficiently to justify so severe a rebuke as the Visitor has administered to the College, I had also proved enough to justify his annulling the election. My object in troubling you with this letter and its enclosure is to show you *what the Visitor, after investigation, has found to be the actual state of one of the Colleges which elect their Fellows on close principles,* and thus to add another to the many proofs of the low moral tone which prevails in such Societies, and the unscrupulous determination to sacrifice all other objects to their own preferment, which exists among inferior men anxious to quit a position they are consciously unfit for, but having no prospect of escape except through a College living.

As you did me the honour of sending me one of your circulars requiring information about the University, you will not think me intrusive in sending this letter as a reply, though an indirect one.

I have the honour to be, my Lord and Gentlemen,
Your most obedient Servant,
J. L. KETTLE, *Fellow of Lincoln College.*

To the Oxford University Commissioners.

WHEREAS two appeals have been presented to me, one by the Rev. William Kay B.D., late Fellow of Lincoln College, the other by John Lucena Ross Kettle, B.C.L., Fellow of the said College, in which they pray me, as Visitor of the said College, for certain reasons stated in the said appeals, to pronounce the election of the Rev. James Thompson, B.D., which took place on November 13th, 1851, into the office of Rector of the said College, null and void:

I, John Bishop of Lincoln, Visitor of the said College, having duly deliberated upon the matters stated and referred to in the said appeals, dismiss the said appeals, and confirm the election of the Rev. James Thompson, B.D.

(Signed) J. LINCOLN.

Riseholm, April 8th, 1852.

The Visitor feels it his painful duty to observe, that although he finds no sufficient ground in the statements which have been laid before him for pronouncing that corrupt practices prevailed at the above-mentioned election, yet, looking at what passed at the election of the Rector on November 13th, 1851, in connexion with what passed at the election of the Sub-Rector on November 6th, 1851, and in the interval between the two elections, he finds much which is calculated to reflect little credit on the College.

LONDON:
Printed by W. Clowes and Sons, Stamford-street,
For Her Majesty's Stationery Office.

I N D E X

TO

R E P O R T

OF

HER MAJESTY'S COMMISSIONERS

APPOINTED TO INQUIRE INTO

THE STATE, DISCIPLINE, STUDIES, AND REVENUES

OF THE

UNIVERSITY AND COLLEGES

OF

O X F O R D.

Ordered, by The House of Commons, *to be Printed,*
20 *August* 1853.

1017—I.

I N D E X.

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